

REVISED BYLAW 0151 - VOL. 27, NO. 1

ORGANIZATION

0151 Organizational Meeting

The Board of Education shall organize annually not earlier than January 2 immediately following an election held on a November regular election date) and not later than January 31 at a meeting held for that purpose. The meeting shall be called to order by

(x) the Superintendent

who shall serve as presiding officer until the election of a temporary chairperson, who shall in turn serve until the election of a President.

M.C.L.A. 168.302

0152 Officers

The Board shall elect a President and Vice-President as well as a Secretary and Treasurer.

Election of officers shall be by a majority of the full Board. Where no such majority exists on the first ballot vote, a second vote shall be cast for the two (2) candidates who received the greatest number of ballot votes.

Except for those appointed to fill a vacancy, officers shall serve for one (1) year and until their respective successors are elected and shall qualify. An officer may be removed for cause by a majority vote of the full Board. The Board shall fill a vacancy in any Board officer position within thirty (30) days of the occurrence of the vacancy.

M.C.L.A. 380.11a

0154

Motions

The Board shall, at the organizational meeting:

- A. designate depositories for school funds; M.C.L.A. 380.1221
- B. designate those persons authorized to sign checks, contracts, agreements, and purchase orders;
- C. designate a day, place, and time for regular meetings which shall be held at least once every month;
- D. designate those persons authorized to use the safe deposit box;
- E. determine fee charged to individuals who request notice of Board meetings; (M.C.L.A. 15.266)
- () designate a day for regular study sessions of the Board;
- G. designate an administrator to assume specified responsibilities
 - () of the Treasurer;
 - () of the Secretary;
- () designate the Electronic Transfer Officer (ETO) in accordance with Policy 6144.

0155

Committees

Committees of Board members shall perform the duties as assigned by the Board, which may include deliberating, making decisions/recommendations or taking other actions specifically authorized by the Board.

All committees shall comply with the Open Meetings Act in accordance with the applicable requirements set forth in 0160 Bylaws. A committee may meet in closed session to review the specific contents of an employment application provided when the applicant for employment requests that the information remains confidential. It may not, however, meet in closed session to protect an applicant's identity.

[] The President is authorized to appoint,

() as soon after the organizational meeting as practicable,

members of the Board to the standing committees where they shall serve a term of one (1) year.

() Ad hoc committees may be created and changed at any time by the President

() or a majority of the members present at any meeting at which the need for a committee becomes evident.

() or the Superintendent with the approval of the Board.

() Members of ad hoc committees shall serve until the committee is discharged.

() The Superintendent shall serve as an ex-officio member of each committee.

- () A member may request (or refuse) appointment to a committee.
- () Refusal to serve on any one committee shall not be grounds for failure to appoint a member to another committee.
- () Each Board committee shall be convened by a chairperson who shall report for the committee
 - () and shall be appointed by the President.
 - () and shall be chosen by the committee from among its members.

BOARD OF EDUCATION
SCHOOL DISTRICT

ADMINISTRATION
1422/page 1 of 1

NEW POLICY - VOL. 27, NO. 1

NONDISCRIMINATION AND
EQUAL EMPLOYMENT OPPORTUNITY

The Board of Education does not discriminate on the basis of race, color, national origin, sex, **(X)** (including sexual orientation or transgender identity), disability, age, religion, height, weight, marital or family status, military status, ancestry, genetic information, or any other legally protected category, (collectively, "Protected Classes"), in its programs and activities, including employment opportunities.

The Superintendent shall appoint and publicize the name of the compliance officer(s) who is/are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination or denial of equal access. The Compliance Officer(s) shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act is provided to staff members and the general public. Any sections of the District's collectively-bargained, negotiated agreements dealing with hiring, promotion, and tenure need to contain a statement of nondiscrimination similar to that in the Board's statement above. In addition, any gender-specific terms should be eliminated from such contracts.

M.C.L. 37.2101 et seq., 37.1101 et seq.
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
42 U.S.C. 2000e et seq., Civil Rights Act of 1964
42 U.S.C. 12112, Americans with Disabilities Act Amendment Act of 1990, as amended
29 U.S.C. 701 et seq., Rehabilitation Act of 1973 as amended
20 U.S.C. 1681 et seq., Title IX
29 C.F.R. Part 1635

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REVISED POLICY - VOL. 27, NO. 1

NONDISCRIMINATION AND
ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY

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

As such, the Board of Education does not discriminate on the basis of the Protected Classes of race, color, national origin, sex (x) (including sexual orientation or transgender identity), disability, age (except as authorized by law), religion, military status, ancestry, or any other statutorily protected category (collectively, "Protected Classes") in its educational programs or activities.

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

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

In order to achieve the aforesaid goal, the Superintendent shall:

A. Curriculum Content

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

B. Staff Training

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

C. Student Access

1. review current and proposed programs, activities, facilities, and practices to ensure that all students have equal access thereto and are not segregated on the basis of the Protected Classes in any duty, work, play, classroom, or school practice, except as may be permitted under State regulations;
2. verify that facilities are made available, in accordance with Board Policy 7510 - Use of District Facilities, for non-curricular student activities that are initiated by parents or other members of the community, including but not limited to any group affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code as a patriotic society;

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

D. District Support

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

E. Student Evaluation

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

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

The Superintendent shall appoint and publicize the name of the compliance officer(s) who is/are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination or denial of equal access. The Compliance Officer(s) shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination Act of 1975 is provided to students, their parents, staff members, and the general public.

The Superintendent shall appoint and publicize the compliance officer whose responsibility it will be to ensure that Federal and State regulations are complied with and that any inquiries or complaints regarding discrimination or equal access are dealt with promptly in accordance with law. S/He shall also ensure that proper notice of nondiscrimination for Title II, Title VI, and VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, and Section 504 of the Rehabilitation Act of 1973 is provided to students, their parents, staff members, and the general public.

The Superintendent shall attempt annually to identify children with disabilities, ages 0-25, who reside in the District but do not receive public education.

In addition, s/he shall establish procedures to identify students who are Limited English Proficient (LEP), including immigrant children and youth, to assess their ability to participate in District programs, and develop and administer a program that meets the English language and academic needs of these students. This program shall include procedures for student placement, services, evaluation and exit guidelines and shall be designed to provide students with effective instruction that leads to academic achievement and timely acquisition of proficiency in English. As a part of this program, the District will evaluate the progress of students in achieving English language proficiency in the areas of listening, speaking, reading and writing, on an annual basis (also see Policy 2225).

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

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

M.C.L.A. 380.1146, 380.1704, 37.1101 et seq., 37.2402, 37.1402, 37.2101-37.2804
Fourteenth Amendment, U.S. Constitution

20 U.S.C. Section 1681, Title IX of Education Amendments Act

20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974

29 U.S.C. Section 794, Rehabilitation Act of 1973, as amended

29 C.F.R. Part 1635

42 U.S.C. Section 2000 et seq., Civil Rights Act of 1964

42 U.S.C. Section 2000ff et seq., The Genetic Information Nondiscrimination Act

42 U.S.C. 6101 et seq., Age Discrimination Act of 1975

34 C.F.R. Part 110 (7/27/93)

Vocational Education Program Guidelines for Eliminating Discrimination and Denial of Services, Department of Education, Office of Civil Rights, March 1979

42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended
Title III of the No Child Left Behind Act of 2001

REVISED POLICY - VOL. 27, NO. 1

POSTSECONDARY (DUAL) ENROLLMENT OPTION PROGRAM

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

The Superintendent shall establish the necessary administrative guidelines to ensure that such courses are in accord with State law and are properly communicated to both the students and their parents. The Superintendent shall also establish 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.

Upon receipt of a bill from the postsecondary institution itemizing the charges for a student's participation in a particular course, the District shall either pay the bill or the prorated percentage of the State portion of the foundation allowance for that student, whichever is lower. If charges exceed such payment,

(☒) the District shall make an additional payment to the institution from the General Fund,

(☒) if the student is receiving high school credit for the course.

BOARD OF EDUCATION
SCHOOL DISTRICT

PROGRAM
2271/page 2 of 2

Such an additional payment may include charges for tuition, mandatory course fees, and any late fees caused by the District's failure to make the required payment on time. The student and his/her parents will be responsible for the student's transportation costs, parking fees, or any activity fees.

- (☒) the student and his/her parents are responsible for the remaining charges.

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

The Superintendent is to submit annually to the Intermediate School District the following information:

- A. the amount of money paid to postsecondary institutions for this program
- B. the number of students in the high school and the number who participated in at least one (1) postsecondary program and received payment for all or part of the eligible charges under this program both in the aggregate and by grade level
- C. the percentage of the District's enrollment represented by eligible students both in the aggregate and by grade level
- D. the total number of postsecondary courses for which the District made payment, the number of courses for which postsecondary credit was granted, the number of courses for which high school credit was granted, and the number of courses that were not completed by eligible students

M.C.L. 380.1279g, 380.1473, 380.1481, 388.513, 388.513a, 388.514, 388.1930a, M.C. L. 388.1621(b)

BOARD OF EDUCATION
_____ **SCHOOL DISTRICT**

PROFESSIONAL STAFF
3122/page 1 of 2

REVISED POLICY – VOL. 27, NO. 1

NONDISCRIMINATION AND
EQUAL EMPLOYMENT OPPORTUNITY

The Board of Education does not discriminate on the basis of race, color, national origin, sex, (x) (including sexual orientation and transgender identity), disability, age, religion, height, weight, marital or family status, military status, ancestry, genetic information or any other legally protected category, (collectively, "Protected Classes"), in its programs and activities, including employment opportunities.

The Superintendent shall appoint and publicize the name of the compliance officer(s) who is/are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination or denial of equal access. The Compliance Officer(s) shall also verify that proper notice of nondiscrimination for Title II, of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, and Section 504 of the Rehabilitation Act of 1973 (as amended), is provided to students, their parents, staff members, and the general public. Any sections of the District's collectively-bargained, negotiated agreements dealing with hiring, promotion, and tenure need to contain a statement of nondiscrimination similar to that in the Board's statement above. In addition, any gender-specific terms should be eliminated from such contracts.

M.C.L. 37.2101 et seq., 37.1101 et seq.

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

42 U.S.C. 2000e et seq., Civil Rights Act of 1964

42 U.S.C. 12112, Americans with Disabilities Act Amendment of 1990, as amended

29 U.S.C. 701 et seq., Rehabilitation Act of 1973 as amended

20 U.S.C. 1681 et seq., Title IX

29 C.F.R. Part 1635

REVISED POLICY – VOL. 27, NO. 1

NONDISCRIMINATION AND
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BOARD OF EDUCATION
SCHOOL DISTRICT

SUPPORT STAFF
4122/page 2 of 2

The Superintendent shall appoint and publicize the name of the compliance officer(s) who is/are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination or denial of equal access. The Compliance Officer(s) shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, and Section 504 of the Rehabilitation Act of 1973 (as amended), is provided to students, their parents, staff members, and the general public. Any sections of the District's collectively-bargained, negotiated agreements dealing with hiring and promotion need to contain a statement of nondiscrimination similar to that in the Board's statement above. In addition, any gender-specific terms should be eliminated from such contracts.

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29 U.S.C. 701 et seq., Rehabilitation Act of 1973 as amended 29 C.F.R. Part 1635

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BOARD OF EDUCATION
SCHOOL DISTRICT

STUDENTS
5136/page 1 of 6

REPLACEMENT POLICY - VOL. 27, NO. 1

PERSONAL COMMUNICATION DEVICES

[SELECT OPTION A OR OPTION B OR OPTION C OR OPTION D]

OPTION A

- [x] While students may possess personal communication devices (PCDs) in school, on school property, during after school activities (e.g., extra-curricular activities) and at school-related functions, they must be powered completely off (i.e., not just placed into vibrate or silent mode) and stored out of sight during school hours **(x) and on school buses or other Board-provided vehicles. [END OF OPTION]**

[END OF OPTION A]

[END OF OPTION B]

BOARD OF EDUCATION
_____ **SCHOOL DISTRICT**

STUDENTS
5136/page 2 of 6

OPTION C

[]
[END OF OPTION C]

OPTION D

[]
[END OF OPTION D]

For purposes of this policy, “personal communication device” includes computers, tablets (e.g., iPads and similar devices), electronic readers (“e-readers”; e.g., Kindles and similar devices), cell phones (e.g., mobile/cellular telephones, smartphones (e.g., BlackBerry, iPhone, Android devices, Windows Mobile devices, etc.)), (x) telephone paging devices (e.g., beepers or pagers), (x) and/or other web-enabled devices of any type. Students may not use PCDs on school property or at a school-sponsored activity to access and/or view Internet web sites that are otherwise blocked to students at school. Distracting behavior that creates an unsafe environment will not be tolerated. **[THIS LANGUAGE MAY ALSO BE USED IF OPTION B WAS SELECTED.]**

Also, during after school activities, PCDs shall be powered completely off (not just placed into vibrate or silent mode) and stored out of sight when directed by the administrator or sponsor.

Under certain circumstances, a student may keep his/her PCD “On” with prior approval from the building principal.

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

OPTION #1

[END OF OPTION #1]

OPTION #2

[END OF OPTION #2]

OPTION #3

- ☒ PCDs, including but not limited to those with cameras, may not be activated or utilized at any time in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances include, but are not limited to, (x) locker rooms, shower facilities, rest/bathrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The Superintendent and building principals are authorized to determine other specific locations and situations where use of a PCD is absolutely prohibited.

[END OF OPTION #3]

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

Students may not use a PCD in any way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated. See Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior. In particular, students are prohibited from using PCDs to: (1) transmit material that is threatening, obscene, disruptive, or sexually explicit or that can be construed as harassment or disparagement of others based upon their race, color, national origin, sex, sexual orientation, disability, age, religion, ancestry, or political beliefs; and (2) engage in "sexting" - i.e., sending, receiving, sharing, viewing, or possessing pictures, text messages, e-mails or other materials of a sexual nature in electronic or any other form. Violation of these prohibitions shall result in disciplinary action. Furthermore, such actions will be reported to local law enforcement and child services as required by law.

Students are also prohibited from using a PCD to capture, record, and/or transmit test information or any other information in a manner constituting fraud, theft, cheating, or academic dishonesty. Likewise, students are prohibited from using PCDs to receive such information.

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

Violations of this policy may result in disciplinary action and/or confiscation of the PCD. The building principal will also refer the matter to law enforcement or child services if the violation involves an illegal activity (e.g., child pornography, sexting). Discipline will be imposed on an escalating scale ranging from a warning to an expulsion based on the number of previous violations and/or the nature of or circumstances surrounding a particular violation. If the PCD is confiscated, it will be released/returned to the student's parent/guardian after the student complies with any other disciplinary consequences that are imposed, unless the violation involves potentially illegal activity in which case the PCD may be turned-over to law enforcement. A confiscated device will be marked in a removable manner with the student's name and held in a secure location in the building's central office until it is retrieved by the parent/guardian or turned-over to law enforcement. School officials will not search or otherwise tamper with PCDs in District custody unless they reasonably suspect that the search is required to discover evidence of a violation of the law or other school rules. Any search will be conducted in accordance with Policy 5771 – Search and Seizure. If multiple offenses occur, a student may lose his/her privilege to bring a PCD to school for a designated length of time or on a permanent basis.

A person who discovers a student using a PCD in violation of this policy is required to report the violation to the building principal.

Students are personally and solely responsible for the care and security of their PCDs. The Board assumes no responsibility for theft, loss, or damage to, or misuse or unauthorized use of, PCDs brought onto its property.

BOARD OF EDUCATION
SCHOOL DISTRICT

FINANCES
6110/page 1 of 4

REVISED POLICY - VOL. 27, NO. 1

GRANT FUNDS

It is the objective of the Board of Education to provide equal educational opportunities for all students within the District. Government agencies, as well as foundations, businesses, and individuals, periodically offer both human and material resources to the District that would benefit students and the educational program. Therefore, it is the intent of the Board to consider grant proposals and applications for their potential to enhance educational opportunities, the educational environment, and the physical and mental growth for each student.

The Superintendent shall review new Federal education legislation and prepare proposals for programs s/he deems would be of aid to the students of this District. The Superintendent shall approve each such proposal prior to its submission, and the Board shall approve all grants resulting from such proposals.

The Board regards available Federal funds of aid to local school districts and communities as a public trust. It forbids the use of Federal monies for partisan political activities and for any use that would not be in accord with Federal guidelines on discrimination.

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

Grant Proposal Development

- A. All grant proposals must support at least one (1) District goal or priority.
- B. For projects where grant funds will not cover the entire cost of project implementation, additional fund sources must be identified, documented, and approved during the internal review process.

Grant Proposal Internal Review

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

Grant Administration

- A. The administration of grants will adhere to all applicable Federal, State, and grantor rules and regulations as well as District policies and administrative guidelines.
- B. The Superintendent is responsible for the efficient and effective administration of grant awards through the application of sound management practices.
- C. The Superintendent is responsible for administering grant funds in a manner consistent with underlying agreements, program objectives, and the terms and conditions of the grant award.

- D. The District, in recognition of its unique combination of staff, facilities, and experience, shall employ the organizational and management strategies necessary to assure proper and efficient administration of grant awards.
- E. All Federal funds received by the District will be used in accordance with the applicable Federal law. The Superintendent shall require that each draw of Federal monies is as close as administratively feasible to the related program expenditures and that, when restricted, such monies are used to supplement programs and funding and not to supplant or replace existing programming or current funding.
- (x) The Superintendent is authorized to sign related documents for grant administration, including documents required for submittal of grant proposals.
- ()
- ()
- (x) Program reports including but not limited to audit, site visits and final reports shall be submitted to the Superintendent for review and distribution to appropriate parties.

Fiscal Management

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

The Superintendent shall provide for the following:

- A. Accurate, current, and complete disclosure of the financial results of each Federally-sponsored project in accordance with the reporting requirements of the grant.
- B. Effective control over and accountability for all funds, property, and other assets in their use solely for authorized purposes.

- C. Recordkeeping and written procedures as may be required by Federal, State, and grantor rules and regulations pertaining to the grant award and accountability, including such provisions as may be applicable as cost sharing and matching requirements, budget revisions, audit requirements, reasonableness, allocability, and allowability of costs, procurement, property management and disposition, and payment/repayment requirements.
- D. Insurance coverage for real property and equipment, if applicable, equivalent to such property owned by the District.

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

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NEW POLICY – SPECIAL UPDATE JUNE 2012

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

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

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

A. Investment and Expenditure of Proceeds

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

B. Financed Facilities

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

C. Periodic Review

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

D. Potential Non-Compliance

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

E. Retention of Professionals; Rebate Analyst

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

F. Purchase of Investments

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

G. Credit Enhancement Transactions

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

H. Subsidy Payments

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

I. Post-Issuance Modifications

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

J. Records Retention

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

K. Continuing Disclosure

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

L. Training and Education

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

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

REVISED POLICY - VOL. 27, NO. 1

PURCHASING

Each year the State of Michigan informs the School of the legal amount for purchases which require a formal bidding process of a single item.

It is the policy of the Board that the Superintendent adhere to the following:

- A. Seek informal price quotations on purchases
 - (x) that are under the amount allowed by State statute for a single item, except in cases of emergency or when the materials purchased are of such a nature that price negotiations would not result in a savings to the School.
 - () in excess of \$ _____.

Purchases in a single transaction that are in excess of the dollar amount permitted by State statute shall require competitive bids and, whenever possible, have at least three (3) such bids for substantiation of purchase and shall require approval of the Board prior to purchase.

BOARD OF EDUCATION
_____ SCHOOL DISTRICT

FINANCES
6320/page 2 of 5

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

- (x) the quality of the item(s) to be supplied;
- (x) its conformity with specifications;
- (x) suitability to the requirements of the school;
- (x) delivery terms;
- (x) past performance of vendor.

The Board reserves the right to reject any and all bids.

- [x] Contracts may be awarded by the Superintendent without Board approval for any single item or group of identical items costing less than the state statute. All other contracts require Board approval prior to purchase.

BOARD OF EDUCATION
_____ **SCHOOL DISTRICT**

FINANCES
6320/page 4 of 5

- [x] The Superintendent is authorized to make emergency purchases, without prior approval, of those goods and/or services needed to keep the school in operation. Such purchases shall be brought to the Board's attention at the next regular meeting.

The Board may acquire office equipment as defined in law by lease, by installment payments, by entering into lease-purchase agreements, or by lease with an option to purchase, provided the contract sets forth the terms of such a purchase.

M.C.L. 380.1267, 380.1274 et seq.

[NOTE: The intent of the purchasing policy is to establish several levels at which purchasing can occur and to determine at what level Board involvement is required, when it is necessary to get a simple “quote” and when the “competitive bid” procedure required.]

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NEW POLICY - VOL. 27, NO. 1

STAFF USE OF PERSONAL COMMUNICATION DEVICES

Use of personal communication devices ("PCDs") has become pervasive in the workplace. For purposes of this policy, "personal communication device" includes computers, tablets (e.g., iPads and similar devices), electronic readers ("e-readers"; e.g., Kindles and similar devices), cell phones (e.g., mobile/cellular telephones, smartphones [e.g., BlackBerry, iPhone, Android devices, Windows Mobile devices, etc.], (**x**) telephone paging devices [e.g., beepers or pagers]), (**x**) and/or other web-enabled devices of any type. Whether the PCD is Board-owned and assigned to a specific employee, or personally-owned by the employee (regardless of whether the Board pays the employee an allowance for his/her use of the device, the Board reimburses the employee on a per use basis for their business-related use of his/her PCD, or the employee receives no remuneration for his/her use of a personally-owned PCD), the employee is responsible for using the device in a safe and appropriate manner.

Safe and Appropriate Use of Personal Communication Devices, Including Cell Phones

[NOTE: START OF FIRST SET OF OPTIONS - CHOOSE OPTION A AND/OR OPTION B OR OPTION C]

OPTION A

- ☐ In situations where job responsibilities include regular driving and accepting of business calls, the employee should consider the use of hands-free equipment to facilitate the provisions of this policy.

OPTION B

OPTION C

- ☒ Using a cell phone or other PCD while operating a vehicle is strongly discouraged. Employees should plan their work accordingly so that calls are placed, text messages/instant messages/e-mails read and/or sent, and/or the Internet browsed either prior to traveling or while on rest breaks. In the interest of safety for both Board employees and other drivers, employees are required to comply with all applicable laws while driving (including any laws that prohibit texting or using a cell phone or other PCD while driving).

[NOTE: END OF FIRST SET OF OPTIONS]

Employees may not use a PCD in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated.

Duty to Maintain Confidentiality of Student Personally Identifiable Information - Public and Student Record Requirements

Employees are subject to all applicable policies and guidelines pertaining to protection of the security, integrity and availability of the data stored on their PCDs.

Cellular and wireless communications, including calls, text messages, instant messages, and e-mails sent from PCDs, may not be secure. Therefore, employees should use discretion in relaying confidential information, particularly as it relates to students.

Additionally, cellular/wireless communications, including text messages, instant messages and e-mails sent and/or received by a public employee or school official using his/her PCD may constitute public records if the content of the message concerns District business, or an education record if the content includes personally identifiable information about a student. Cellular/wireless communications that are public records are subject to retention and disclosure, upon request, in accordance with Policy 8310 – Public Records. Cellular/wireless communications that are student records should be maintained pursuant to Policy 8330 – Students Records. Finally, cellular/wireless communications and other electronically stored information (ESI) stored on the staff member's PCD may be subject to a Litigation Hold pursuant to Policy 8315 – Information Management. Staff are required to comply with District requests to produce copies of cellular/wireless communications in their possession that are either public records or education records, or that constitute ESI that is subject to a Litigation Hold.

[NOTE: START OF SECOND SET OF OPTIONS - CHOOSE OPTION A OR OPTION B]

OPTION A [TO BE SELECTED IF BOARD ADOPTED POLICY 7530.01 V1]

OPTION B [TO BE SELECTED IF BOARD ADOPTED POLICY 7530.01 V2]

[NOTE: END OF SECOND SET OF OPTIONS]

If a PCD is lost, stolen hacked or otherwise subjected to unauthorized access, the employee must immediately notify the Superintendent so a determination can be made as to whether any public records, students records and/or ESI subject to a Litigation Hold has been compromised and/or lost. The Superintendent shall determine whether any security breach notification laws may have application to the situation. Appropriate notifications will be sent unless the records/information stored on the PCD was encrypted.

- [x] It is () required (**x**) suggested that employees lock and password protect their PCDs when not in use.
- [x] Employees are responsible for making sure no third parties (including family members) have access to records and/or information, which is maintained on a PCD in their possession, that is confidential, privileged or otherwise protected by state and/or federal law.

Privacy Issues

Except in emergency situations or as otherwise authorized by the Superintendent or as necessary to fulfill their job responsibilities, employees are prohibited from using PCDs to capture, record and/or transmit the words or sounds (i.e., audio) and/or images (i.e., pictures/video) of any student, staff member or other person in the school or while attending a school-related activity. Using a PCD to capture, record and/or transmit audio and/or pictures/video of an individual without proper consent is considered an invasion of privacy and is not permitted.

[NOTE: START THIRD SET OF OPTIONS - CHOOSE OPTION A OR OPTION B OR OPTION C]

☐ **OPTION A**

☐ **OPTION B**

☒ **OPTION C**

PCDs, including but not limited to those with cameras, may not be activated or utilized at any time in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances include, but are not limited to, () classrooms, (x) locker rooms, shower facilities, rest/bathrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The Superintendent and building principals are authorized to determine other specific locations and situations where use of a PCD is absolutely prohibited.

[NOTE: END OF THIRD SET OF OPTIONS]

Personal Use of PCDs While at Work

[NOTE: START OF FOURTH SET OF OPTIONS - CHOOSE OPTION A OR OPTION B]

[] OPTION A

[] OPTION B

[NOTE: END OF FOURTH SET OF OPTIONS]

Potential Disciplinary Action

Violation of this policy may constitute just cause for disciplinary action up to and including termination. Use of a PCD in any manner contrary to local, State or Federal laws may also result in disciplinary action up to and including termination.

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REPLACEMENT POLICY - VOL. 27, NO. 1

**ACCESS TO DISTRICT TECHNOLOGY RESOURCES FROM PERSONAL
COMMUNICATION DEVICES**

OPTION #1

The Board of Education prohibits individuals from using their personal communication devices (PCDs) to access the District's technology resources (e.g., networks, servers, projectors, printers, etc.) while on-site at a District facility. For purposes of this policy, "personal communication device" includes computers, tablets (e.g., iPads and similar devices), electronic readers ("e-readers"; e.g., Kindles and similar devices), Cell phones (e.g., mobile/cellular Telephones, smartphones (e.g., BlackBerry, iPhone, Android devices, Windows Mobile devices, etc.)), **(x)** telephone paging devices (e.g., beepers or pagers), **(x)** and/or other web-enabled devices of any type.

[x] Exceptions to this policy must be approved in advance, in writing, by the Superintendent.

[END OF OPTION #1]

BOARD OF EDUCATION
_____ **SCHOOL DISTRICT**

PROPERTY
7542/page 2 of 3

OPTION #2

BOARD OF EDUCATION
_____ **SCHOOL DISTRICT**

PROPERTY
7542/page 3 of 3

[END OF OPTION #2]

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NEW POLICY - VOL. 27, NO. 1

CRIMINAL JUSTICE INFORMATION SECURITY
(NON-CRIMINAL JUSTICE AGENCY)

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

Sanctions for Non-Compliance

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

Local Agency Security Officer (LASO)

The **Assistant Superintendent, Personnel** shall be designated as the District's Security Officer and shall be responsible for overall implementation of this policy and for data and system security. This shall include:

- A. ensuring that personnel security screening procedures are being followed as set forth in this policy;
- B. ensuring that approved and appropriate security measures are in place and working as expected;
- C. supporting policy compliance and institute the CSA incident response reporting procedures;
- D. ensure the CSA ISO is promptly informed of any security incidents involving the abuse or breach of the system and/or access to criminal justice information;

- E. to the extent applicable, identifying and documenting how District equipment is connected to the Michigan State Police system;
- F. to the extent applicable, identify who is using the Michigan State Police approved hardware, software and firmware, and ensuring that no unauthorized individuals have access to these items.

The District's LASO shall be designated on the appropriate form as prescribed and maintained by the Michigan State Police.

Agency User Agreements

The District shall enter into any User Agreement required, and future amendments, by the Michigan State Police necessary to access the statutorily required CHRI on applicants, volunteers and contractors. The LASO shall be responsible for assuring the District's compliance with the terms of any such User Agreement.

Personnel Security

All individuals that have access to any criminal justice information shall be subject to the following standards.

- A. Background Checks - A Michigan (or state of residency if other than Michigan) and a national fingerprint-based criminal history record check shall be conducted within thirty (30) days of assignment to a position with direct access to criminal justice information or with direct responsibility to configure and maintain computer systems and networks with direct access to criminal justice information.
 - 1. A felony conviction of any kind will disqualify an individual for access to criminal justice information.

2. If any other results/records are returned, the individual shall not be granted access until the LASO reviews and determines access is appropriate. This includes, but is not limited to, any record which indicates the individual may be a fugitive or shows arrests without convictions. Such approval shall be recorded in writing, signed, dated and maintained with the individual's file.
 3. Support personnel, contractors and custodial workers with access to physically secure locations or controlled areas (during criminal justice information processing) are subject to the same clearance standards as other individuals with access, unless they are escorted by authorized personnel at all times when in these locations or areas.
- B. Subsequent Arrest/Conviction - If an individual granted access to criminal justice information is subsequently arrested and/or convicted, access shall be suspended immediately until the matter is reviewed by the LASO to determine if continued access is appropriate. Such determination shall be recorded in writing, signed, dated and maintained with the individual's file. In the event that the LASO has the arrest/conviction, the Superintendent (if not the designated LASO) shall make the determination.
- C. Public Interest Denial - If the LASO determines that access to criminal justice information by any individual would not be in the public interest, access shall be denied whether that person is seeking access or has previously been granted access. Such decision and reasons shall be in writing, signed, dated and maintained in the individual's file.
- D. Approval for Access - All requests for access to criminal justice information shall be as specified and approved by the LASO. Any such designee must be an employee of the District.

- E. Termination of Employment/Access - Upon termination of employment, all access to criminal justice information shall be terminated for that individual, and steps taken to assure security of such information and any systems at the District to access such information.
- F. Transfer/Re-assignment - When an individual who has been granted access to criminal justice information has been transferred or re-assigned to other duties, the LASO determine whether continued access is necessary and appropriate. If not, s/he shall take such steps as necessary to block further access to such information.

Media Protection

Access to electronic and physical media in all forms, which contains criminal history background information provided by the Michigan State Police through the statutory record check process, is restricted to authorized individuals only.

- A. Media Storage and Access - All electronic and physical media shall be stored in a physically secure location or controlled area, such as locked office, locked cabinet or other similarly secure area(s) which can only be accessed by authorized individuals. If such security cannot be reasonably provided, then all electronic CHRI background data shall be encrypted.
- B. Media Transport -Electronic and physical media shall be protected when being transported outside of a controlled area. Only authorized individuals shall transport the media. It shall be directly delivered to the intended person or destination and shall remain in the physical control and custody of the authorized individual at all times during transport. Access shall only be allowed to an authorized individual. To the extent possible, electronic media (e.g., hard drives and removable storage devices such as disks, tapes, flash drives and memory cards) shall be either encrypted and/or be password protected during the transport process.

- C. Media Disposal/Sanitization – When the CHRI background check is no longer needed, the media upon which it is stored shall either be destroyed or sanitized. The LASO and the Superintendent shall approve in writing the media to be affected. This record shall be maintained by the LASO for a period of at least five (5) years. **[Note: the regulations do not specify a specific period for maintaining this information. This time period is suggested as it will likely cover most all statutes of limitation and can be retained in electronic format.]**
1. Electronic Media - Sanitization of the media and deletion of the data shall be accomplished by either overwriting at least three (3) times or by degaussing, prior to disposal or reuse of the media. If the media is inoperable or will not be reused, it shall be destroyed by shredding, cutting, or other suitable method to assure that any data will not be retrievable.
 2. Physical Media – Disposal of documents, images or other type of physical record of the criminal history information shall be cross-cut shredded or incinerated. Physical security of the documents and their information shall be maintained during the process by authorized individuals. Documents may not be placed in a waste basket or burn bag for unauthorized individuals to later collect and dispose of.

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

Controlled Area

All CHRI obtained from the Michigan State Police pursuant to the statutorily required background checks shall be maintained in a controlled area, which shall be a designated office, room, area or lockable storage container. The following security precautions will apply to the controlled area:

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

Passwords (Standard Authentication)

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

- A. at least eight (8) characters long on all systems
- B. not be a proper name or a word found in the dictionary
- C. not be the same as the user identification
- D. not be displayed when entered into the system (must use feature to hide password as typed)
- E. not be transmitted in the clear outside of the secure location used for criminal justice information storage and retrieval

- F. must expire and be changed every ninety (90) days
- G. renewed password cannot be the same as any prior ten (10) passwords used (See also, AG 8321.)

Security Awareness Training

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

Secondary Dissemination of Information

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

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

A log entry need not be kept if the receiving agency/entity is part of the primary information exchange agreements between the District and the Michigan State Police.

Audit Retention

The District shall retain audit records (Position description, consent, and CHRI for both applicants that are hired and those that are not) for at least 365 days. Audit records must continue to be maintained until it is determined they are no longer needed for administrative, legal, audit, or other operational purposes. This includes, for example, retention and availability of audit records subject to Freedom of Information Act (FOIA) requests, subpoena, litigation hold and law enforcement actions.

Ref: Criminal Justice Information Services - Security Policy (Version 5.0, 2011),
U.S. Dept. of Justice and Federal Bureau of Investigation
Noncriminal Justice Agency Compliance Audit Review, Michigan State
Police, Criminal Justice Information, Center, Audit and Training Section