



Fall 2017 Board Policies Update

Regular Fall Update
Special Technology Release Phase III



October 26, 2017

Dear Colleague:

One of our nation's greatest coaches, John Wooden, reminds us: "It's the little details that are vital. Little things make big things happen."

We know that the details matter, especially when it comes to schools. It's the little, routine things that happen every day—how parents drop off and pick up students, how students line up in hallways, how board meeting packets are prepared and distributed—that build a culture of disciplined people, thought, and action that make schools great.

Our team at the Institute is honored to support you in taking care of the details. To this end, we are pleased to provide you with the enclosed Fall 2017 Board Policies Update packet. These legally vetted and field tested updates cover all the details, from changing laws and regulations to best practices. By providing you with this service, we believe that you will be able to focus more time on building a culture of discipline while also ensuring that your board provides clear guidance and direction for your school.

Just as you're focusing on the details at your school, we're focusing on the details at the Institute to continue to make our services great. We are growing and adding talent to our team to best support you. We continuously improve how we draft, update, and transmit policies to provide you with materials that are thoughtfully developed and expeditiously delivered.

We know that there is more that we can do for you. If you ever need support on how to best use your policies, or if our team can help with your next board retreat or planning session, please don't hesitate to call on us. We would be honored to work with you.

And stay focused on the details....they're what make greatness possible.

Best Wishes,

A handwritten signature in black ink, appearing to be "J. Goenner".

James N. Goenner, Ph.D.
President & CEO

Enclosures

Fall 2017 Board Policies Update

Regular Fall 2017 Update
Special Release Technology—Phase III

OVERVIEW AND COMMENTS

This packet contains two sets of updates:

- **The Regular Fall 2017 Updates.** These updates ensure that policies remain current with applicable law and best practices.
- **The Special Technology Release—Phase III.** The Special Technology Release is being rolled out in four phases to balance the need for Academies to both promptly ensure compliance with certain laws, as well as to make it easy for Academies to update material in phases rather than all at once. Phase I was released in Fall 2016 and Phase II was released in Spring 2017.

All production related materials and questions should be directed to the National Charter Schools Institute at 711 W. Pickard Street, Mount Pleasant, Michigan 48858 (phone 989-317-3510) or via email at boardpolicies@nationalcharterschools.org.

Please do not retype Institute materials before returning them for processing. We prefer to have the original materials returned after you have marked them indicating which changes and additions you choose to have/not have for your Academy.

If an Academy chooses not to adopt a policy or administrative guideline, the Academy is still obligated to follow applicable Federal and State laws relating to that topic.

The proposed new, revised, and replacement policies, administrative guidelines and forms included in this update have been thoughtfully prepared and reviewed by the Institute's legal counsel for statutory compliance. If you make changes, or substitute in its entirety policies or other materials of your own drafting, those materials should be reviewed by your legal counsel to verify compliance. The Institute does not review Academy-specific edits to update materials or Academy-specific policies for statutory compliance.

If a policy or guideline is marked as a revision, the changes have been marked in red (to add material) and crossed out (to delete material). As you review a revised policy or guideline, you may choose to accept one, many or all of the changes provided. If a policy or guideline is marked as a replacement, that means there have been enough changes made that justify a complete, clean replacement copy. As you review a replacement policy or guideline, you should also check the materials you have in your current policy or guideline to see if there is some specific wording you want included in the replacement policy. If so, a copy of any wording to be added and where it should be inserted should be forwarded with the replacement policy or guideline when it is returned to the Institute office for processing.

If the Academy authors language and adds it to a policy template or deletes content that is not marked as a choice in the policy template, then these actions will constitute Academy-specific edits.

Policies that are to be deleted from the policy manual require Board action to rescind the policy.

If s/he has not done so already, your Institute Associate will contact you in the near future to schedule an appointment to review this update and ensure you are current on this and previous updates. It is expected that all appointments will have been completed with the appropriate documents received for processing by **January 31, 2018**.

If you are not currently an administrative guidelines client, please ask your Associate about this service. Administrative guidelines help ensure that your Academy's policies and operating practices remain aligned.

Academy-Specific Material

Though the Institute is happy to modify any policy to meet the unique needs of any Academy, if the Academy chooses to incorporate Academy-specific material into a new policy or guideline that has been proposed or to insert Academy-specific material into a current policy or guideline for which revisions have been proposed in an update issued by the Institute, then the Academy agrees to hold the Institute harmless for those Academy-specific edits. In addition, the Institute retains ownership of the text from the original policy template that remains in a policy to which Academy-specific material has been added. Academy-specific materials include the following:

- A. Materials from the Academy's existing materials that the Academy requests be incorporated during the drafting process;
- B. New materials that the Academy develops in their entirety and exclusive of the Institute; and
- C. Revisions or deletions that substantively depart from the Institute's templates.

Further, please note that the Institute does not generally recommend the use or incorporation of Academy-specific materials. The Institute will, at the request of the Academy, incorporate Academy-specific materials into the licensed materials, with the implicit understanding that the Academy bears all risks associated with the Academy's decision to request that such Academy-specific materials be incorporated. The Institute reserves the right to, but is not obligated to, advise the Academy to seek its own legal review of Academy-specific materials.

Notice Regarding Legal Accuracy

The Institute is vigilant in providing policy language to clients that has been vetted for legal accuracy by Michigan legal counsel. Should any question arise as to the legal compliance or accuracy of Institute materials, it is our expectation that the Institute's counsel will have the opportunity to assist in the resolution of such a claim. Please notify the Institute's office if an issue arises in which such a review or assistance is necessary.

Policies in this update have been reviewed by the Institute's external legal counsel for consistency with Federal and State law.

Records Retention

Effective January 1, the Institute will implement a new records retention policy. Currently, all materials related to each Academy's board policies are retained indefinitely. This new policy generally modifies current practice by 1) providing for the retention of contracts and disposition forms permanently, 2) limiting the length of time that working papers (i.e., notes from drafting and update sessions) will be retained to seven years. Please do not hesitate to contact the Institute prior to January 1 if you would like either a copy of the policy or working papers that are more than seven years old returned to your Academy.

Legal Alert

Included with this update are legal alerts printed on green paper. These legal alerts include:

1. Update to Major Changes Under ESSA.
2. Administrator Certification.
3. Bulletin Board: Labor Relations Update

REGULAR FALL 2017 UPDATE

POLICIES (REGULAR UPDATE)

Policy 1421/3121 (New/Revised)

Policy 1421 has been added as new and includes revisions made to Policy 3121. These policies have been revised to be consistent with Policy 8321- Criminal Justice Information Security (Non-Criminal Justice Agency), which requires criminal history record information (CHRI) to be maintained in a confidential file, separate from the employee file.

This revision reflects the current state of the law and should be adopted to maintain accurate policies.

Policy 1439/3139 (New)

Policies 1439 and 3139 have been added as new. A provision has been added to authorize a financial penalty as may be required by MCL 388.1766 (referring or assisting a student for an abortion). Other language revisions are intended to provide concise and consistent disciplinary action, when necessary.

These revisions reflect the current state of the law and should be adopted to maintain accurate policies.

Policy 2410 – Prohibition of Referral or Assistance (New)

This new policy is issued in accordance with MCL 388.1766 which prohibits any officer, agent, or employee of the Board from referring a pupil for an abortion or assisting a pupil in obtaining an abortion. The law requires the Academy to adopt such a policy by the start of the 2019-2020 school year. Therefore, immediate action is not required, but early discussion with the

Board, Academy legal counsel, and collective bargaining units on this topic should take place soon.

Consideration of this policy and its implications is recommended.

Policy 2414 – Reproductive Health and Family Planning (Revised)

This policy has been revised to include the abortion prohibition cited in Michigan statute and to focus on the specific requirements for the reproductive health and family planning instruction that is required.

These revisions reflect the current state of the law and should be adopted to maintain accurate policies.

Policy 2418 – Sex Education (Revised)

This new policy provides the necessary authorization and structure if the Academy chooses to provide sex education instruction. Teacher qualifications and the elective status of such a class/program are addressed. The required sex education advisory board is included, along with the abortion prohibition.

This new policy should be considered for adoption if the Academy authorizes instruction in sex education.

Policy 5111.01 – Homeless Students (Revised)

This policy was revised with technical changes to clarify an academy's obligations to homeless students who live within the area covered by the academy's charter. This revision should be adopted to maintain accurate policies.

Policy 5630.01– Student Seclusion and Restraint (Replacement)

This policy was issued as a replacement policy in a Special Release in May 2017. It reflects the current state of the law and the model policy adopted by the State Board of Education on March 14, 2017 and should be adopted to maintain accurate policies.

Policy 8142 – Criminal History Record Check (Revised)

This policy has been revised to be consistent with Policy 8321- Criminal Justice Information Security (Non-Criminal Justice Agency), which requires criminal history record information (CHRI) to be maintained in a confidential file, separate from the vendor or private contractor file.

This revision reflects the current state of the law and should be adopted to maintain accurate policies.

Policy 8321 – Criminal Justice Information Security (Non-Criminal Justice Agency) (Revised)

This policy has been revised to include the latest revisions to information security required of criminal history record information (CHRI) required by the Federal Bureau of Investigation (FBI) and the Michigan State Police (MSP).

These revisions reflect the current state of federal and state regulations and should be adopted to maintain accurate policies.

ADMINISTRATIVE GUIDELINES (REGULAR UPDATE)

AG 1421 – Criminal History Record Check (New)

See note on Policy 1421/3121.

AG 2414 – Sex Education (Revised and Renumbered to AG 2418)

See note on Policy 2418.

AG 5215 – Missing and Absent Children (Revised)

Revisions to this guideline correspond to the revisions to Michigan statute required by Public Act 24, pertaining to a “department-approved entity”. It is unlikely that an Academy will be identified as such, however, if the Academy is involved in fingerprinting of students, it requires written consent, limits the use and requires the cards to be given to the parents.

AG 5630.01 – Student Seclusion and Restraint (Delete)

This guideline should be deleted, since a replacement Policy 5630.01 – Student Seclusion and Restraint was issued in May 2017. The replacement policy reflects the current state of the law and the model policy adopted by the State Board of Education on March 14, 2017.

FORMS (REGULAR UPDATE)

Form 5610.01 F3 – Checklist To Be Used When Considering Suspension or Expulsion of a Student (New)

This form is provided as an optional tool for Academy’s to use in documenting student suspension/expulsion decisions. The form includes a number of factors to be considered in making student disciplinary decisions and also includes the additional factors to be considered in the instance of possession of a dangerous weapon (including possession of a firearm in a Weapons Free School Zone).

SPECIAL TECHNOLOGY RELEASE—PHASE III

POLICIES (SPECIAL TECHNOLOGY RELEASE)

Policy 7540.03 – Student Technology Acceptable Use and Safety (Revised)

Policy 7540.04 – Staff Technology Acceptable Use and Safety (Revised)

Policy 7540.05 – Academy-Issued Staff E-Mail Account (Revised)

Policy 7540.06 – Academy-Issued Student E-Mail Account (New)

ADMINISTRATIVE GUIDELINES (SPECIAL TECHNOLOGY RELEASE)

AG 7540.01A – Personal Use of Academy Technology Resources (Revised)

AG 7540.03 – Student Technology Acceptable Use and Safety (Revised)

AG 7540.04 – Staff Technology Acceptable Use and Safety (Revised)

AG 7540.05 – Proper Use of Academy-Issued Staff E-Mail Account (Revised)

AG 7540.06 – Students’ Proper Use of Academy-Issued Student E-Mail Account (New)

FORMS (SPECIAL TECHNOLOGY RELEASE)

Form 7540.03 F1 – Student Technology Acceptable Use and Safety Agreement (Revised)

Form 7540.03 F1 – Staff Technology Acceptable Use and Safety Agreement (Revised)

COMMENTS

Electronic Access to Management Documents

If you are interested in finding out more about the Institute’s system for producing the Academy’s policies, guidelines, and forms as well as other documents such as handbooks and negotiated agreements on the Internet, ask your Institute representative for a demonstration in your office. All that is required is that you have a computer and access to the Internet.

Reviewing Board Minutes

A feature of your subscription to this service is the review of your Academy’s Board minutes to identify action that results in new policy or revision to existing policy. If such action has been taken and copies of the related materials have not been submitted to the Institute’s office, the Academy will be contacted and additional information regarding the action will be requested. Please take advantage of this valuable service by sending copies of your Board minutes to the Institute office for review.

Complimentary Copies of Administrative Guidelines

The Institute’s administrative guidelines service compliments our policies by ensuring that procedures are in place to fully execute each policy. Though we encourage all academies to participate in this companion service, we understand that not all do. We also understand that fully implementing policies, such as those related to the Freedom of Information Act (“FOIA”), are difficult without guidelines in place. As such, the Institute is offering complimentary access to guidelines to help implement key legal requirements, such as processing FOIA requests upon request from the Academy.

Legal Alerts

NEOLA LEGAL ALERT

TO: NEOLA Clients / National Charter Schools Institute Clients
FROM: NEOLA Counsel
DATE: June 21, 2017
RE: Updates to Major Changes Under the Every Student Succeeds Act

Since its passage on December 10, 2015, the Every Student Succeeds Act of 2015 (ESSA), which amended the Elementary and Secondary Education Act (ESEA) and replaced the No Child Left Behind Act (NCLB), has undergone changes to its enactment date. The Obama and Trump administration have also modified its transition requirements, regulations and programmatic compliance. This legal alert details the most up to date changes to the enactment of ESSA, which goes into effect on July 1, 2017.

I. Transition and Effective Dates

As written, ESSA enacted most provisions before the 2016-17 school year, with implementation of accountability provisions and interventions in place for the 2017-18 school year. However, after ESSA's passage Congress, in mid-December, changed this start date with the passing of the omnibus spending bill. The omnibus delayed the start date for non-competitive formula grant programs authorized by the ESEA until the 2017-2018 school year. The omnibus did not affect ESSA's provisions for competitive grant programs, which took effect on October 1, 2016. Accordingly, most provisions go into effect July 1, 2017. However, there is an exception with respect to ESSA's accountability provisions.

In April, the U.S. Department of Education (ED) clarified that the States would continue with their plans for a new accountability system under ESSA starting with the 2018-2019 school year. For the 2017-2018 school year, states could choose to either maintain their lists of schools in improvement under the NCLB from the prior year or could create a new list of schools for improvement using their existing methodologies. States could even choose to identify a new list of low-performing schools for the 2017-18 school year using the new methodology it plans to implement under ESSA, even if ED has not yet approved its State plan. However, ED noted that if a State choose this route, it may need to tweak its methodology for identification of schools based on feedback from peer reviewers. As for the Sec. 1003 ESSA funding, it would go to schools identified for improvement under the option selected by the state and any unallocated funds may be carried over and used in the subsequent year to bolster 2018-2019 interventions.

II. ESSA Funding

a. Federal Fiscal Year 2017 Funding

In May of 2017, Congress passed legislation for the remainder of federal fiscal year (FY) 2017 that provided Title I, Part A of ESEA with a slightly higher increase in federal funding leaving most other programs level-funded. However, some programs are getting significant cuts. For

example, state grants for teacher development under Title II of ESEA will be cut by about \$294 million, bringing the total funding for this grant down to \$2.1 billion for the fiscal year. Combined with changes to the State- and district-level funding formulas and hold harmless provisions for Title II that were passed into law under ESSA, this could lead to significant losses for many districts.

The legislation would also provide only \$400 million for the new Student Support and Academic Enrichment State grant under Title IV, Part A of ESEA. This program is a new block grant which combines a number of previous programs into a more flexible pool of funds that districts can use for a number of purposes. However, when Congress passed ESSA lawmakers authorized a total of \$1.6 billion for the program, meaning that this legislation provides about 75% less than originally anticipated. Because funding will be drastically lower than expected, under this legislation, Congress is allowing States to distribute the funding competitively to LEAs rather than by formula as stated under ESSA (money will still go to States according to their share of ESEA Title I dollars). States may still choose to distribute the grant to LEAs by formula, so long as each district would receive at least \$10,000. If a State distributes money competitively, districts would still have to spend at least 20% of funding on a list of “safe and healthy students” activities, 20% on “well-rounded education” activities as required under the statute, and a portion on technology (with up to 25% going to infrastructure). In addition, States awarding funds competitively would have to give priority to districts or consortia with high number of Title I-eligible students and would have to take geographic diversity into account.

A chart with the final FY 2017 funding amounts is below.

b. Federal Fiscal Year 2018 Funding

In early March, President Trump released what has been referred to as a “skinny” budget proposal for fiscal year 2018. In May, the President released a more detailed budget which showed that K-12 programs would face significant cuts while school choice initiatives would receive more funding if the proposal were adopted.

Under President Trump’s proposed budget, ED would see a \$9.2 billion, or 13.6 percent, decrease from the FY 2017 funding level recently approved by Congress. Formula grants under Title I, Part A of ESEA, would be funded at \$14.8 billion – a \$578 million decrease from FY 2017 – but the Administration proposes providing an additional \$1 billion in funding under Title I in order to support a new school choice grant program. That program, the Furthering Options for Children to Unlock Success (FOCUS) grants, would offer funding to LEAs that use weighted-student funding formulas and open enrollment policies to allow federal, State, and local dollars to follow students to the public school of their choice. In addition, charter school grants would get a \$157.8 million boost in funding compared to final FY 2017 levels. The Administration aims to expand school choice through the Education Innovation and Research program as well by providing an additional \$270 million, allowing competitive grants to States and districts to offer scholarships to low-income students to attend private schools and by funding research on private school choice.

Some ESEA programs would be completely eliminated under the President’s budget, including Title II Supporting Effective Instruction – consistent with the President’s “skinny” budget – based on a purported lack of evidence that the program increases student achievement and a belief that the grants are poorly targeted.

The new Title IV block grant under the Every Student Succeeds Act (ESSA) would also be cut. That program received only \$400 million in the final FY 2017 appropriations bill – much lower than the \$1.6 billion authorized. Funding for Title IV, Part B, the 21st Century Community Learning Centers (21st CCLC) program, would also be eliminated. The Administration states that these Title IV program activities can be supported through other available funds and that there is insufficient evidence that the 21st CCLC increases student achievement. Some other program eliminations include Ready-To-Learn Television, Arts in Education, and School Leader Recruitment and Support.

Although the President’s budget contains drastic cuts and program eliminations, the budget is merely a suggestion to Congress. Congress holds the final decision-making authority for federal appropriations, which means funding for FY 2018 could look significantly different than what the Administration proposes.

At the end of May, Secretary DeVos was called to defend the President’s budget before the House Appropriations Committee and again in early June before the Senate Appropriations Subcommittee. Responding to questions from the Representatives, DeVos said those cuts reflected “tough choices” on programs considered ineffective or duplicative. In the case of ESEA Title II teacher development grants, DeVos said funds were spread too thinly to be effective. Committee leadership praised the budget’s shift to focus on “educational opportunities” like additional funding for charter schools. However, senators on both sides of the aisle expressed skepticism about the budget proposal, especially deep cuts to popular programs like teacher training and the suggested elimination of the 21st Century Community Learning Centers program. Lawmakers also expressed concerns about the school choice proposals and whether certain vulnerable groups of students, including students with disabilities, would have meaningful options for schools and retain their rights if using portability or voucher systems.

A chart with the President’s proposed 2018 budget is below.

c. Comparison between 2017 and 2018

Below is a summary of the final program appropriations for FY 2017 as compared to the President’s FY 2018 budget request:

Appropriation (in thousands of dollars)			
Program	Final FY 2017	President’s FY 2018 Request	FY 2017 as compared to FY 2018 Request
ESEA Title I Grants	\$15,459,802	\$14,881,458	-\$578,343

ESEA Title II (Teacher Quality)	\$2,055,830	\$0	-\$2,055,830
ESEA Title III (English Language Acquisition)	\$737,400	\$735,998	-\$1,402
Education Innovation and Research	\$100,000	\$370,000	\$270,000
Impact Aid	\$1,328,603	\$1,236,435	-\$92,168
21 st Century Community Learning Centers	\$1,191,673	\$0	-\$1,191,673
Charter School Grants	\$342,172	\$500,000	\$157,828
Student Support and Academic Enrichment (Title IV-A)	\$400,000	\$0	-\$400,000
Promise Neighborhoods	\$73,254	\$60,000	-\$13,254
IDEA Part B State Grants**	\$12,002,848	\$11,890,202	-\$112,646
IDEA Part C Grants	\$458,556	\$457,684	-\$872
CTE State grants	\$1,117,598	\$949,499	-\$168,099
Adult Education State grants	\$581,955	\$485,849	-\$96,106
TRIO	\$950,000	\$808,289	-\$141,711
Head Start, including Early Head Start	\$9,253,095	\$9,168,000	-\$85,095
CCDBG	\$2,856,000	\$2,761,000	-\$95,000
Preschool Development Grants	\$250,000	\$0	-\$250,000
**According to ED, IDEA Part B would receive a \$112.6 million cut, but the Office of Management and Budget tables indicate a suggested cut of nearly \$954 million; it is not clear which number is correct.			

III. Limitations on ED's Regulatory Authority

There have been a number of executive orders from the Administration that have made the regulatory process more difficult for ED, which means that ED may not be releasing any new ESSA regulations for some time, if at all.

In January, right after the inauguration, the President signed an executive order that told agencies to halt their regulatory processes. The order instructed all federal agencies, including ED, not to send any new regulations to the Federal Register for publication. It also delayed by 60 days the effective date for all regulations which had been published in the Federal Register in final form, but had not yet taken effect as of the date of the order. This affected the ESSA Accountability and State plan regulations, which were final but had not yet gone into effect. The purpose of this order was to allow incoming federal agency heads time to review those regulations for questions of law and policy on which they disagree, and in fact they are urged to further delay or modify regulations which present such question and thus for which further review is merited. The other ESSA regulations were not affected. Specifically, assessment regulations were already in effect so were not altered and the draft supplement, not supplant regulations were never issued in final form and in fact were withdrawn by ED prior to this executive order.

At the end of January, President Trump signed a second executive order affecting ED regulations. The purpose was to reduce the number and scope of federal regulations generally.

It requires that all federal agencies identify two regulations to be removed for every one new regulation issued. Agencies will be prohibited from imposing any new costs in creating or repealing rules for the remainder of 2017 unless that cost is offset, though exceptions will be made for emergencies and national security. Starting in 2018, the Office of Management and Budget will give each agency a budget for how much it can change regulatory costs. Some have posited that agencies could get around this order by combining existing regulations into a single regulatory package – a strategy which may or may not work, depending on how the order is implemented across agencies and how a regulation is ultimately defined.

In March, President Trump signed a resolution passed under the Congressional Review Act (CRA) which officially rescinded the ESSA accountability regulations. The accountability regulations had covered State plans for implementing the law, timelines for when different parts of those plans needed to go into effect, procedures for crafting plans to turn around low-performing schools, and more. Now that these rules have been eliminated, States and districts must follow requirements directly from the ESSA statute, which includes (among other things) timelines calling for earlier implementation of certain requirements compared to what was allowed under the rule.

Additionally, under the CRA, any new rules cannot be “substantially similar” to those that have been rescinded by Congress, which means ED is most likely unable to substantively re-regulate regarding the accountability requirements under ESSA. Accordingly, State and districts are left wondering what, if any guidance ED will release in these areas.

To add to ED’s limitations, the Trump Administration issued a memorandum in April directing all federal agencies, including ED, to begin plans to reduce the federal workforce. Among other things, the memorandum requires all agencies to begin taking immediate actions to achieve near-term workforce reductions and cost savings, including planning for funding levels in the President's FY 2018 budget and submit an Agency Reform Plan to the Office of Management and Budget (OMB) in September 2017 as part of the agency's FY 2019 budget submission to OMB that includes long-term workforce reductions. Agency Reform Plans are directed to eliminate non-essential and duplicative functions and activities within their federal agencies, as well as those functions that “could be better performed by another entity, such as State/local/Tribal government or the private sector.” Given the significant impact of this action, ED may be left with even fewer resources dedicated to ESSA implementation.

ED has also been instructed by Executive Order to reduce federal overreach in regulations by revising existing regulations, guidance, and other documents. The agency has slightly less than a year to complete this task, and has reached out to several national advocacy organizations requesting input on what documents could be amended in order to provide stakeholders with additional flexibility. Once again, the trend seems to be eliminating and reducing regulations rather than offering new language.

IV. ESSA Guidance

Since ESSA’s passage, ED has released a significant amount of guidance on compliance with ESSA and transitioning from NCLB to ESSA. However, in February ED released a Dear

Colleague letter announcing that it would pause its ESSA technical assistance to ensure alignment with the new administration's review and interpretation of the regulations. Accordingly, it is unclear moving forward how much technical assistance ED will provide. Until then below is a list of all of the guidance on ESSA released to date.

a. *Guidance on Transition from NCLB to ESSA*

- Dear Colleague Letter on Transition (12/18/15)
- Letter on Assessment Participation (12/22/15)
- Dear Colleague on Transition (1/28/16)
- FAQs Document (6/29/16) - *Updated in January 2017*
- ESSA Dear Colleague letter on 2017-18 Transition (1/13/17)

b. *Guidance on ESSA Compliance*

- Foster Care Guidance (6/23/16)
- Dear Colleague Letter re: Stakeholder Engagement (6/23/16)
- Homeless and Youth Programs (7/27/16) – *Updated March 2017*
- Title III, A English Learners (9/23/16)
- Using Evidence to Strengthen Education Investments (9/16/16)
- Dear Colleague Letter re: Tribal Consultation (9/26/16)
- Title II, A Teachers and School Leaders (9/27/16)
- Schoolwide Programs and Funding (9/29/16)
- Early Learning Guidance (10/20/16)
- Title IV, A Student Support and Academic Enrichment (10/21/16)
- Fiscal Changes (including Equitable Services and SNS (11/21/16)
- Consolidated State Plan Guidance - *Updated (3/13/17)*
- State and Local Report Cards (1/10/17)
- High School Graduation Rate (1/10/17)
- Accountability FAQs (1/18/17)
- Resource Guide: Accountability for ELs (1/18/17)
- ESSA Early Learning Guidance (1/17/17)
- State Plan Peer Review Criteria (3/30/17)

V. Recent ESSA Programmatic Changes

a. *State Plans*

In March, ED released a new state plan template for states to use in submitting their consolidated state plans. States were permitted to use this template, a template created in collaboration with the Council of Chief State School Officers (CCSSO) or apply individually for the ESSA programs. Since the newer template was released so closely to the April 3rd deadline, states that elected that submission date were permitted a 30-day extension to allow for the required 30-day governor review. This meant that as long as the state's governor received the plan by April 3rd, the plan would then be accepted by ED as late as May 3rd. For states that did not select the first submission date, applications are due September 18th. Because the September submission date is after most states start the school year, ED has stated that for the 2017-18 school year, it will award funds to States based on their agreement to a revised set of assurances, rather than on an

approved State plan. Those assurances were released to States earlier this month, and are not significantly different from the draft assurances issued by the previous administration.

b. Academic Assessment Regulations

The final Academic Assessment Regulations went into effect on January 9, 2017. The assessment regulations cover the use of locally selected high school assessments, advanced mathematics assessments for eighth graders, and alternate assessments for students with the most significant cognitive disabilities, among other topics. The final regulations make changes to the rules surrounding the use of innovative assessments at the State level. For example, the regulations say that innovative tests in any given district must be comparable to results from other districts, as well as to the results statewide, and that the comparability must be based on results for each subgroup and the “all students” subgroup. However, the final rules also add more information and options for how a State can show that these new assessments are comparable to others being administered.

Under ESSA, States are limited to 1% of their assessments being alternate assessments based on alternate achievement standards. States may seek a waiver of that limit under certain conditions, but must take certain actions to ensure LEAs exceeding that same limit make efforts to reduce the number of students taking alternate assessments, as appropriate. The final regulations require that States verify that an LEA that will exceed 1% will not significantly increase that use from the prior year unless required. The final regulations maintain the requirement that States request a waiver of the 1% cap at least 90 days before the start of the testing window, despite concerns from States that determinations with respect to the assessment of individual students may not have been made by that point. Additionally, the final regulations emphasize that States must develop appropriate accommodations for students with disabilities and promote their use. ED notes that ESSA and the Individuals with Disabilities Education Act (IDEA) should be read together, and that actions taken under one law should not violate or contradict the other.

Note that these are the only ESSA regulations issued by the last administration which remain intact, though ED may still make changes if they believe such modifications are necessary.

c. Reporting on District and School-Level Expenditures

Under ESSA, states and districts will have to include in their report cards, for the first time, district and school-level per-pupil expenditures. The accountability regulation provided details on what these calculations required; however, since those regulations were repealed there is no other information than what is included in the ESSA statute. Under the statute, the reporting must be of actual expenditures, disaggregated by source of funds and be included for each district and each school for the preceding fiscal year.

d. Equitable Services and State Ombudsman Appointments

Among the areas of ESSA which have generated the most questions are the fiscal changes to the equitable services requirements. ESSA states that funds allocated to an LEA for the purposes of

equitable services must be obligated in the fiscal year for which the funds are received by the LEA – seemingly eliminating the ability of the LEA to carry over those funds. But the ESSA fiscal guidance, released in November 2016, says that in “extenuating circumstances where the LEA is unable to obligate all funds within this timeframe in a responsible manner, funds may remain available during the subsequent school year.” This states that if extenuating circumstances exists then an LEA would be permitted to carryover the unexpended equitable services funds.

When allocating funds to private schools for equitable services, the guidance says that an LEA must “determine the amount of funds available for providing equitable services prior to any expenditures or transfers of funds,” including administrative, parental involvement, or other reservations. But this does not mean that private schools will receive additional administrative funds. Instead, an LEA must determine the amount of funds needed to administer equitable services programs separately, and will reserve that amount from the proportionate share of funds available for equitable services. However, even the administrative funds set-aside out of the equitable services share is subject to consultation with private school representatives. The reason why this off-the-top reservation is causing so much confusion is that the student count is based on eligible students attending private schools and not simply the number of eligible students attending participating private schools, which will significantly increase most LEA’s set-asides. The fiscal guidance clearly explains the way the set-aside should be calculated and includes charts as well to make the requirements clear.

The other issue of note is the new Ombudsman position. The ESSA fiscal guidance dedicates a number of pages to discussing the role and responsibilities of the new private school ombudsman. In April, ED sent a letter to States asking them to provide the name of the individual who will serve in the role of the private school Ombudsman. The Ombudsman is the primary point of contact for States, districts, and private school officials on equitable services issues and will be tasked with answering questions and resolving any conflicts that arise regarding the requirements in Titles I and VIII of the ESEA. The reason given by ED was so that the Office of Non-Public Education (ONPE) at ED could “establish relationships” with the new ombudsmen.

e. MOE Waiver Exceptions Clarified

ESSA maintains the same maintenance of effort (MOE) requirement as its NCLB predecessor, but it increased the areas under which an LEA may receive a waiver of its MOE requirement. The ESSA fiscal guidance provided an updated list of programs to which the MOE requirement applies and added more detail regarding the new flexibility for this requirement. First, the LEA is not subject to sanctions for failing to meet MOE provided it has not failed to meet MOE for one or more of five immediately preceding fiscal years. In addition, there is a new exception to the requirement that would allow an LEA to receive a waiver. The LEA could always seek a waiver of its MOE if it has an exceptional or uncontrollable circumstances, such as a natural disaster; or a precipitous decline in the financial resources of the LEA. But under ESSA the LEA could also request a waiver for a change in the LEA’s organizational structure. The guidance clarifies that those changes mean merging or dividing of the LEA, or elimination of grade levels. It can also include changing management or operations structures to create economies of scale – for example, consolidating budget and fiscal staff to a single, central office.

f. Supplement, not Supplant requirements

The Obama administration released draft regulations suggesting tests for meeting the modified Title I supplement, not supplant requirements amended by ESSA. However, these regulations were withdrawn in mid-January, leaving that section of the law unregulated, and ED has not issued new guidance. States and districts may only rely on the language of the statute when determining compliance under this provision, which effectively prohibits the use of the three “presumptions of supplanting” previously used to determine whether supplanting had occurred. The earlier ED guidance may still be used to test compliance under other titles of ESEA as the changes affect only Title I.

If you have any questions concerning compliance under ESSA, you should address them directly with your board’s legal counsel.

This legal alert is intended as general information and not legal advice. No attorney-client relationship exists. If legal advice is required, obtain the services of an attorney. This legal update is only a summary of major changes and updates to ESSA. There are many more changes and this legal update is meant to provide only an overview of the most significant updates.

VARNUM

ATTORNEYS AT LAW

MEMORANDUM

To: NEOLA Clients/ National Charter Schools Institute Clients

From: NEOLA Counsel

Re: Administrator Certification

Date: July 2017

The Michigan Department of Education has reportedly proposed a new certification process that would require all school administrators to be certified by the start of the 2018-2019 school year. MCL 380.1536 and 380.1246 currently address administrator certification, including identification of persons who grandfathered/exempted from some of the requirements and obligations of a district if it hires a new administrator who is not certified. A.C. 380.101, et. seq. provides additional instruction on this issue.

The MDE proposal also contemplates creation of a statewide database of administrators' professional training and criminal histories. The state currently tracks compliance with the statutory certification requirements through random audits. If a district is not compliant, the state may impose fines via reduction of state aid and may even press criminal misdemeanor charges against the Board.

While changes to the certification process are merely proposed currently, you may wish to review your administrators' certification status and discuss any issues with your legal counsel over the course of the upcoming school year to avoid any costly issues if these changes do go into effect for the 2018-2019 school year.

BULLETIN BOARD

Labor Relations Update

House Bill 4313 was signed into law on July 14, 2017. One of its many repercussions was that it created a new Section (164h) within the State School Aid Act. This provision contains a 5% state aid penalty that may be levied against districts for entering into a collective bargaining agreement that:

1. Establishes racial or religious preferences for employees,
2. Contains union shop provisions,
3. Incorporates language that conflicts with current transparency laws, or
4. *Includes methods of compensation that do not comply with Section 1250 of the Revised School Code.*

This last point has raised several questions within the public school community. What follows is a question-and-answer guide that will attempt to address some of the more confusing aspects of this new legislation.

When does Section 164h go into effect?

Although HB 4313 has immediate effect, Section 164h has a specific effective date of Oct. 1, 2017. Thus, **any teacher contract that is ratified prior to Oct. 1 of this year is not subject to Section 164h's requirements.** After that date, districts will have to consider the implications of Section 164h and decide for themselves how best to proceed.

What are "methods of compensation that do not comply with Section 1250...?"

Section 1250 of the Revised School Code mandates that school districts must implement and maintain a teacher compensation system that includes job performance and accomplishments as a "significant factor" in the determination of wages and raises; i.e., *merit pay*. The new 164h language appears to demand that a merit pay system of some type be incorporated into all future teacher contracts.

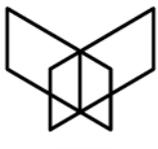
But isn't merit pay a prohibited subject of bargaining?

Yes. The Legislature's directives here certainly seem to conflict and leave districts with an unclear path.

Under the Public Employee Relations Act Section 15(3), districts and unions cannot bargain over any "method of compensation required under Section 1250 of the Revised School Code," which, again, is merit pay. Previously, districts have complied with PERA and Section 1250 by negotiating wages within the CBA, usually via the well-established steps and lanes convention, and then implementing a merit pay system that is wholly outside of the bargaining process.

So how do we resolve this?

This remains unclear. Generally, the bargaining season runs from early spring to mid-summer, so negotiations in most districts for 2017 will have concluded well prior to Oct. 1, while 2018 negotiations will not begin until next spring.



MASB
MICHIGAN ASSOCIATION
OF SCHOOL BOARDS

Before the next bargaining season, additional clarification on Section 164h may be provided by the Legislature or via a judicial or administrative opinion. In the meantime, districts that are bargaining contracts that are likely to be ratified after Oct. 1 may wish to consider incorporating some form of merit pay within their teacher contracts in an effort to comply with what appears to be the intent of Section 164h. Before negotiating such a provision, however, districts should consult with their legal counsel or negotiations representative on reconciling the requirements of Section 164h and Section 1250.

Given that Gov. Rick Snyder declared Section 164h unenforceable and that merit pay has been a prohibited subject of bargaining for years, shouldn't we just ignore 164h?

Not necessarily. While it is true that after signing HB 4313 into law, Gov. Snyder's transmittal letter noted that portions of the law, including 164h, could not be enforced, this opinion does not provide districts with any "cover" in the event that they are held to have violated it. Indeed, in a 2009 Attorney General Opinion it was concluded that declarations from the Governor's office of this nature "do not carry the full force and effect of law." However, there remain unanswered questions concerning whether the Governor might have the authority to direct MDE to forego enforcement of this provision, as well as whether or not the Attorney General might have the power to step in as an enforcement agency in place of MDE.

As such, while the Governor's opinion does carry some weight, we cannot advise districts to simply disregard 164h, particularly given the possible penalty (5% of all state aid).

Does this mean that a compensation arrangement that is based upon anything other than merit is illegal?

This is uncertain, but unlikely. Section 1250 specifically provides that a "community district shall not use length of service or achievement of an advanced degree as a factor in compensation levels," subject to two exceptions. This prohibition was added to Section 1250 in 2016. Presently, there is only one community district in Michigan—Detroit Public Schools Community District.

Section 1250 does not include a similar provision for intermediate or general powers school districts, which generally include all other local school districts in Michigan.

Given that only a community district is specifically forbidden from using length of service and achievement of an advanced degree as a basis to compensate teachers, per the legal doctrine of *expressio unius est exclusio alterius* (the inclusion of one is the exclusion of others) it is reasonable to infer that for all noncommunity districts, these criteria remain legitimate bases for determining pay.

The Takeaway:

Any teacher contract that is ratified prior to Oct. 1 of this year need not address this issue. It's also possible that the issues created by Section 164h will be resolved by the state before the next bargaining season gets underway. However, for those few districts that may be in the midst of contract negotiations come Oct. 1, some discussion with legal counsel regarding the best course of action should take place. For those who will begin bargaining this spring, be sure to become fully apprised as to the status of Section 164h prior to ratifying any agreement.



Miscellaneous



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

RICK SNYDER
GOVERNOR

BRIAN J. WHISTON
STATE SUPERINTENDENT

MEMORANDUM

DATE: April 6, 2017

TO: Local and Intermediate School District Superintendents
Public School Academy Directors

FROM: Venessa A. Keesler, Ph.D., Deputy Superintendent 
Deputy Superintendent, Educator, Students, and School Supports

SUBJECT: 2017 NCJA Audit, Security, and Access to CHRIS Training Reminder

The Michigan State Police (MSP) is pleased to announce the upcoming implementation of the Criminal History Internet Subscription Service (CHRIS). This is a new web-based portal in which schools (public, private, and public school academies) will receive results of their fingerprint-based Criminal History Record Information (CHRI) background checks from the MSP on their employees and volunteers immediately after being fingerprinted. The CHRIS system will be the manner by which all CHRI results will be securely disseminated to Noncriminal Justice Agency (NCJA) schools and will replace the current process. The MSP will spend the next several months providing training to schools and steps for transitioning to this new process.

The Michigan State Police, Security and Access Section, Audit Unit, is now accepting registrations for the **2017 NCJA Audit, Security, and Access to CHRIS** trainings. Registration is to be completed via the MI-TRAIN website at <http://mi.train.org>. **The Course ID is 1068544.** If you do not already have a MI-TRAIN account, you must create one by entering all of the required information. When creating your account it will ask you to select a group, **you would choose Michigan, Michigan State Police, CJIC.** Then sign-in to MI-TRAIN and enter the course ID number. Select the course, click on the Registration Tab, provide your agency's MSP ID number in the space provided at the beginning of this tab, and click the Get Approval button for the appropriate session. Once approved you will receive an "In Progress" email if you chose to receive emails from Mi-Train indicating you have been approved for registration. You are required to send one person to the training but you may send as many people that need the training.

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PUBLIC SCHOOL ACADEMY (PSA)

Under the new state procedures, and with proper training and protocols, Management Company (MC) employees working at the school may be allowed to access, view, and process CHRI results. MC employees not at the school having a need to access CHRI as part of the hiring/placement process may be permitted viewing access. **Such access to CHRI by a MC must be approved by the school board of the Public School Academy.** Additionally, individuals requested to be fingerprinted by the PSA would have to sign a waiver that the CHRI results can also be shared with the MC. (Waivers will be provided to schools at the training).

Therefore, at least one person from the PSA who works at the school, and is or will be, **part of the hiring/placement process** must attend a mandatory MSP Audit, Security and Access to Criminal History Training.

For questions, or to host a training, please contact Ms. Marylynn Owen at 517-284-3022 or by email at MSP-NCJA-Training@michigan.gov.

cc: Michigan Education Alliance

ACADEMY NAME
COUNTY OF _____, MICHIGAN

At a regular meeting of the members of the Board of Directors (the "Board") of _____, County of _____, Michigan (the "Academy") held in _____ on _____.

PRESENT: _____

ABSENT: _____

The following preamble and resolution were offered by Member _____, and supported by Member _____,

RESOLUTION APPROVING ESP ACCESS TO CHRI

WHEREAS, the Board has a statutory obligation to conduct criminal background checks on employees and contractors and also has obligations to protect the confidentiality of the criminal history records information ("CHRI"), including limiting access to the CHRI;

WHEREAS, the Board has determined that it is in the Academy's best interests to allow its Educational Service Provider ("ESP") _____ access to the CHRI results for purposes of determining an individual's qualifications for employment as described in this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of _____:

1. The Local Agency Security Officer ("LASO") may provide ESP employees view only access to CHRI if such access is needed by ESP personnel to review the results for determining an individual's qualifications for employment.

2. Such access may only be provided after the LASO and the designated ESP personnel receive required training and may only be provided if the prospective employee signs a waiver stating that his/her CHRI result may be shared with ESP personnel.

3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be, and the same hereby are, rescinded.

ADOPTED this ____ day of _____, 2017.

YEAS: _____

NAYS: _____

IMPORTANT DATES & EVENTS

Charter Connection Meetings

Who Should Attend? These annual regional meetings are for charter school leadership at member schools.

Lansing | October 3, 2017

Kalamazoo | October 5, 2017

Grand Rapids | October 10, 2017

Traverse City | October 16, 2017

Flint | October 24, 2017

Pontiac | October 24, 2017

Ann Arbor | October 30, 2017

Detroit | November 8, 2017

Charter School Facebook Webinar Series

Who Should Attend? This series of virtual webinars are designed for educators who manage and post on your school's Facebook page!

November 14, 2017 | Setup Your School's Facebook Page

January 16, 2018 | What to Post on Your School's Facebook

January 30, 2018 | Learn to Create Easy Videos for Your Facebook

February 13, 2018 | Create a Plan for Success Using Analytics

Innovators in Education Fall Symposium | December 6-7, 2017

Who Should Attend? This event is designed for all charter school stakeholders, including charter leadership, teachers, and board members.

Award Nominations Open | December 8-February 2, 2018

Who Should You Nominate? Nominations are open for the Charter School Teacher and Administrator of the year!

National School Choice Week | January 21-27, 2018

Who Should Attend? Celebrate this national event at your school and on social media!

MAPSA's Virtual Job Fair | February 22, 2018

Who Should Attend? This virtual event is designed for hiring managers seeking candidates for your school!

March is Reading Month

Who Should Attend? This nationally celebrated event is a great opportunity to Invite your lawmaker to your school!

Recruitment & Retention of Quality Talent Professional Learning Community

Who Should Attend? This PLC is built for those who work in HR or school leadership that can impact school culture from the bottom up!

Meeting 1: December 7, 2017

Meeting 2: January 18, 2018 OR

Meeting 2: February 1, 2018

Meeting 3: March 8, 2018 OR

Meeting 3: March 15, 2018

Meeting 4: May 3, 2018

Trauma & Stress in Students Professional Learning Community

Who Should Attend? Classroom-level instructional leaders to social workers.

Meeting 1: December 7, 2017

Meeting 2: January 17, 2018 OR

Meeting 2: January 30, 2018

Meeting 3: February 27, 2018 OR

Meeting 3: March 13, 2018

Meeting 4: May 2, 2018

Creating Dynamic Classrooms Professional Learning Community

Who Should Attend? This PLC is perfect for any educator looking to take their practice to the next level and impact school infrastructure!

Meeting 1: December 7, 2017

Meeting 2: January 18, 2018 OR

Meeting 2: February 1, 2018

Meeting 3: March 8, 2018 OR

Meeting 3: March 15, 2018

Meeting 4: May 3, 2018

Utilizing Evaluation Data to Support Teachers Professional Learning Community

Who Should Attend? This PLC is designed for HR professionals and school leadership tasked with the responsibility to take their instructional staff to the next level!

Meeting 1: December 7, 2017

Meeting 2: January 17, 2018 OR

Meeting 2: January 30, 2018

Meeting 3: February 27, 2018 OR

Meeting 3: March 13, 2018

Meeting 4: May 2, 2018

National Charter Schools Week | May 7-11, 2018

Who Should Attend? This nationally celebrated event is a great opportunity to showcase your school on social media!

Charter Day at the Capitol | May 8, 2018

Who Should Attend? This event is a celebration of charter schools at the Capitol for all stakeholders and advocates to attend!



@MICharters
@InnovatorsinEd



@MIcharters
@InnovatorsinEd



@charterschools
@InnovatorsinEd

Learn more at charterschools.org/events



MAPSA

Michigan's Charter School Association

MAPSA, Michigan's charter school association, represents the collective action of Michigan charter school stakeholders communicating through the media, advocating at the Capitol and standing up for the 150,000 students enrolled in a charter school.

CHARTER SCHOOL LEGAL & LEGISLATIVE SUPPORT

MAPSA has a great reputation for integrity and solid relationships in Lansing enabling us to accomplish great things through our advocacy efforts with the Legislature and the Michigan Department of Education. From removing the barriers to innovation, to fighting for more classroom dollars, MAPSA has advocated to build an environment for school choice to thrive and achieve on both sides of the aisles as a bipartisan organization.

Download the Charter Activism Toolkit at charterschools.org/charteractivism

BUILDING A POWERFUL CHARTER SCHOOL BRAND

Up until now, the charter school story has been largely defined by the status quo. A status quo that is fearful of how education might change and the work it might take to get the outcomes kids deserve. To this end, at MAPSA, we will not stop until we get the results we are seeking. We will not stop until the Michigan charter school brand is no longer associated with poor quality but rather as the innovation and opportunity that students deserve.

Download the Charter Branding Toolkit at charterschools.org/charterbranding

CHARTER SCHOOL SUPPORT & RESOURCES

MAPSA has continued to provide support and resources to Michigan charter school educators and board members in various forms. MAPSA's academic resource, Innovators in Education, delivers knowledge through hands-on workshops and collaborative approaches to education, and connecting schools with quality goods and services.

Shop the Marketplace at innovatorsineducation.org/marketplace



LIKE US ON FACEBOOK!

facebook.com/micharters



MAPSA is an important and respected voice on all education-related issues in Lansing. They always put the needs of students and parents first, and they're an invaluable resource for all of us at the Capitol.

Tim Kelly, State Representative

THE CHARTER IDEALS: GUIDING PRINCIPLES TO SUPPORT MICHIGAN'S CHARTER SCHOOLS

- All parents, regardless of residence, race, wealth or heritage, should be able to choose among diverse, high quality, equitably funded educational options and are in the best position to make that decision.
- Charter schools are a necessary and permanent model for continuous improvement for all public schools; to fulfill this purpose charter schools must have the flexibility to be innovative.
- At the heart of a successful charter school are freedom, resources and quality: freedom for the school to operate independently and for teachers and families to select it; human and financial resources that enable it to succeed; and the expectation that all its students will gain the skills and knowledge they need and that society expects.
- Student success must be measured in a meaningful way, reflective of the uniqueness of students and the varying paths to achievement.
- Systems of accountability must set standards of performance while allowing space for managing the risk that is inherent to innovation.
- A robust system of multiple authorizers, anchored by strong accountability, will enable more dynamic reform through innovation and keep students first.

ADDRESS

105 W Allegan
Suite 300
Lansing, MI 48933

CONTACT

T: 517-374-9167
mapsa@charterschools.org
www.charterschools.org



@MICharters



@MIcharterschools



@charterschools

Fall 2017 Board Policies Summary Table

Board Policies

Policy No.	Policy Title	New/ Revise/ Replace/ Delete	Legally required or Best Practice	Summary
Regular Fall Update				
1421/ 3121	Criminal History Record Check	New/Revised	Legally Required	These policies have been added/revised to be consistent with Policy 8321-Criminal Justice Information Security, which requires criminal history records information ("CHRI") to be maintained in a confidential file, separate from the employee file.
1439/ 3139	Administrator/Staff Discipline	New/Revised	Legally Required (if Self-Employed)	Policy 1439 has been added as new and includes revisions similar to those made to Policy 3139. A provision has been added to authorize a financial penalty as may be required by MCL 388.1766 (referring or assisting a student for an abortion). Other language revisions are intended to provide concise and consistent disciplinary action, when necessary.
2140	Prohibition on Referral or Assistance	New	Legally Required	This new policy is issued in accordance with MCL 388.1766 which prohibits any officer, agent, or employee of the Board from referring a pupil for an abortion or assisting a pupil in obtaining an abortion. The law requires the Academy to adopt such a policy by the start of the 2019-2020 school year. Therefore, immediate action is not required, but early discussion with the Board, Academy legal counsel, and collective bargaining units on this topic should take place soon.
2414	Reproductive Health and Family Planning	Revised	Legally Required	This policy has been revised to include the abortion prohibition cited in Michigan statute and to focus on the specific requirements for the reproductive health and family planning instruction that is required.
2418	Sex Education	New	Legally Required only if Sex Education is Offered	This new policy provides the necessary authorization and structure if the Academy chooses to provide sex education instruction. Teacher qualifications and the elective status of such a class/program are addressed. The required sex education advisory board is included, along with the abortion prohibition.
5111.01	Homeless Students	Revised	Legally Required	This policy was revised with the technical changes to clarify an Academy's obligations to homeless students who live within the area covered by the Academy's charter. This revision should be adopted to maintain accurate policies.
5630.01	Student Seclusion and Restraint	Replacement	Legally Required	This policy was issued as a replacement policy in a Special Release in May 2017. It reflects the current state of the law and the model policy adopted by the State Board of Education on March 14, 2017 and should be adopted to maintain accurate policies. Note that this policy was previously issued as a special release over the summer, and is being included as a courtesy for academies that may not have adopted it yet.

8142	Criminal History Record Check (Revised)	Revised	Legally Required	This policy has been revised to be consistent with Policy 8321-Criminal Justice Information Security (Non-Criminal Justice Agency), which requires criminal history record information (“CHRI”) to be maintained in a confidential file, separate from the vendor or private contractor file. This revision reflects the current state of the law and should be adopted to maintain accurate policies.
8321	Criminal Justice Information Security (Non-Criminal Justice Agency)	Revised	Legally Required	This policy has been revised to include the latest revisions to information security required of criminal history record information (“CHRI”) required by the Federal Bureau of Investigation (FBI) and the Michigan State Police (MSP). These revisions reflect the current state of federal and state regulations and should be adopted to maintain accurate policies.
Special Technology Release—Phase III				
7540.03/ 7540.04/ 7540.05/ 7450.06	Student and Staff Technology Acceptable Use and Safety Policies	Revised and New (7540.06)	Best Practice	This third phase of the special technology release updates and modernizes terms to keep pace with the changing pace of technology.

Administrative Guidelines

Guideline No.	Guideline Title	New/ Revise/ Replace/ Delete	Legally required or Best Practice	Summary
Regular Fall Update				
1421	Criminal History Record Check	New	Best Practice	See note on Policy 1421/3121.
2414	Sex Education	Revised and Renumbered to 2418	Best Practice	See note on Policy 2418.
5215	Missing and Absent Children	Revised	Best Practice	Revisions to this guideline correspond to the revisions to Michigan statute required by Public Act 24, pertaining to a “department-approved entity”. It is unlikely that an Academy will be identified as such, however, if the Academy is involved in fingerprinting of students, it requires written consent, limits the use and requires the cards to be given to the parents.
5630.01	Seclusion and Restraint	Delete	Delete	This guideline should be deleted, since a replacement Policy 5630.01 – Student Seclusion and Restraint was issued in May 2017. The replacement policy reflects the current state of the law and the model policy adopted by the State Board of Education on March 14, 2017.
Special Technology Release				
7540.03/ 7540.04/ 7540.05/ 7450.06	Student and Staff Technology Acceptable Use and Safety Policies	Revised and New (7540.06)	Best Practice	This third phase of the special technology release updates and modernizes terms to keep pace with the changing pace of technology.

Board Policies

NEW POLICY – FALL 2017 **CRIMINAL HISTORY RECORD CHECK**

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

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

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

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

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

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

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

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

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

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

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

All criminal history record check reports received from the State Police or produced by the State Police and received by the Academy from another proper source, will be maintained in the individual's confidential file, which must be maintained in compliance with Policy 8321 and AG 8321.

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

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

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

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

An applicant must

() submit, at no expense to the Academy,

or

() provide, at the Academy's expense,

a set of fingerprints, prepared by an entity approved by the Michigan State Police, as part of his/her employment application or as required by State law for continued employment.

Confidentiality

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

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

Criminal history reports may be released with the written authorization of the individual.

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

FOR BOARD APPROVAL

NEW POLICY – FALL 2017 **ADMINISTRATOR DISCIPLINE**

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

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

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

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

Discipline may include, but is not limited to:

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

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

If it appears that disciplinary action beyond written reprimand may be necessary, the Educational Service Provider School Leader (employed by the Board) should contact the Board to discuss the disciplinary action that is to be taken.

The Educational Service Provider School Leader (employed by the Board) decision to impose any disciplinary action that is not subject to Board review is final.

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

NEW POLICY – FALL 2017 **PROHIBITION OF REFERRAL OR ASSISTANCE**

Reference: M.C.L. 388.1766

In accordance with Michigan statute, any officer, agent, or employee of the Board of Directors is prohibited from referring a student for an abortion or assisting a student in obtaining an abortion.

Whenever it becomes necessary to discipline a member of the staff for violation of this policy, the Educational Service Provider School Leader (employed by the Board) shall utilize related procedures described in the Staff Discipline Policy 1439 and Policy 3139 or the current negotiated agreement, if applicable.

Using due-process procedures, the Educational Service Provider School Leader (employed by the Board) shall conduct an investigation, as appropriate to the situation, including providing the employee with reasonable notice and the opportunity to respond.

If it is determined that an employee of the Board has violated this policy, the Board shall apply a financial penalty against such individual that is equivalent to not less than three percent (3%) of that individual's annual compensation.

The Academy shall refund to the State School Aid fund an amount of money equal to the amount of the penalty or fine.

FOR BOARD APPROVAL

REVISED POLICY – FALL 2017 **REPRODUCTIVE HEALTH AND FAMILY PLANNING**

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

~~The Board of Directors directs that instruction be provided on the principal modes by which dangerous communicable diseases, including HIV and AIDS, are spread and the best methods for the restriction and prevention of these diseases. The instruction shall stress that abstinence from sex is the only protection that is 100% effective against unplanned pregnancy and sexually transmitted diseases, including HIV and AIDS, and that abstinence is a positive lifestyle for unmarried young people. The Board of Directors directs that students receive instruction in reproductive health and family planning. *Reproductive Health* shall be defined as that state of an individual's well-being that involves the reproductive system and its physiological, psychological, and endocrinology functions.~~

~~In addition, students shall be instructed in the recognition, prevention, and treatment of non-casual, contact communicable diseases such as venereal diseases, HBV, and HIV. Instruction shall also be given in the use of abstinence from sex as a responsible method for restriction and prevention of non-casual, contact communicable disease and as a positive lifestyle for unmarried young people.~~

~~No person shall dispense or otherwise distribute in an Academy or on Academy property a family planning drug or device. Additionally, any officer, agent, or employee of the Board is prohibited from referring a student for an abortion or assisting a student in obtaining an abortion. Violation of these prohibitions may lead to disciplinary action, including, but not limited to any financial penalties required by the State of Michigan.~~

The Board accepts as policy the guidelines entitled "Sex Education Guidelines including Reproductive Health and Family Planning" established by the Michigan Department of Education. A copy shall be available for inspection in the Academy office.

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

~~A Sex Education Advisory Board (AG 2414) shall be established in order to ensure the effective participation of parents and community groups in the design and implementation of this program area.~~

~~[] Teacher consultants to the Academy will meet preparatory criteria established by the State guidelines before participating in sex education instructional activities.~~

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

~~The [] Educational Service Provider [] School Leader (employed by the Board) shall prepare Administrative Procedures that include at least two (2) public hearings on any~~

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

FOR BOARD APPROVAL

NEW POLICY – FALL 2017 **SEX EDUCATION**

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

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

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

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

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

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

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

The sex education advisory board shall:

- A. Establish program goals and objectives for student knowledge and skills that are likely to reduce the rates of sex, pregnancy, and sexually transmitted diseases. Additional program goals and objectives may be established by the sex education advisory board that are not contrary to Michigan law.

- B. Review the materials and methods of instruction used and make recommendations to the Board for implementation. The advisory board shall take into consideration the Academy's needs, demographics, and trends, including, but not limited to, teenage pregnancy rates, sexually transmitted disease rates, and incidents of student sexual violence and harassment.**
- C. At least once every two (2) years, evaluate, measure, and report the attainment of program goals and objectives established by the advisory board. The Board shall make the resulting report available to parents in the Academy.**

Before adopting any revisions in the materials or methods used in instruction under this policy, including, but not limited to, revisions to provide for the teaching of abstinence from sex as a method of preventing unplanned or out-of-wedlock pregnancy and sexually transmitted disease, the Board shall hold at least two (2) public hearings on the proposed revisions. The hearings shall be held at least one (1) week apart and public notice of the hearings shall be given in the manner required for Board meetings. A public hearing held pursuant to this section may be held in conjunction with a public hearing held pursuant to M.C.L. 380.1169.

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

No person shall dispense or otherwise distribute in an Academy or on Academy property a family planning drug or device. Additionally, any officer, agent, or employee of the Board is prohibited from referring a student for an abortion or assisting a student in obtaining an abortion.

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

REVISED POLICY – FALL 2017

CRIMINAL HISTORY RECORD CHECK

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

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

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

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

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

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

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

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

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

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

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

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

All criminal history record check reports received from the State Police or produced by the State Police and received by the Board from another proper source will be maintained in the individual's personnel record.

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

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

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

All those employed by the Board, either directly or under contract to regularly and continuously work in the schools prior to January 1, 2006, must undergo a criminal history records check, regardless of whether they have previously had such a check prior to 2006. The School Leader shall determine a schedule that assures that all such required checks are completed prior to July 1, 2008. Alternatively, substitute teachers within this category may authorize release to the Board of a valid criminal history check conducted by another school after January 1, 2006.

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

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

An applicant must

() submit, at no expense to the Board,

or

() provide, at the Board's expense,

a set of fingerprints, prepared by an entity approved by the Michigan State Police, as part of his/her employment application or as required by State law for continued employment.

Any employee on staff must

() submit, at no expense to the Board,

or

() provide, at the Board's expense,

a set of fingerprints, prepared by an entity approved by the Michigan State Police, as part of his/her employment application or as required by State law for continued employment.

Confidentiality

All information and records obtained from such criminal background inquiries and disclosures are to be considered confidential and shall not be released or disseminated to those who have not been given access to CHR1 by the School Leader or the Board. Violation of confidentiality is considered a misdemeanor punishable by a fine up to \$10,000.

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

Criminal history reports may be released with the written authorization of the individual.

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

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

NEW POLICY – FALL 2017 **STAFF DISCIPLINE**

References: M.C.L. 38.101 et seq., 38.74, 380.1230d, 380.1535a

Whenever it becomes necessary to discipline a member of the staff, the Educational Service Provider School Leader (employed by the Board) shall utilize related procedures described in the current negotiated agreement, and/or to the extent not inconsistent with the current negotiated agreement, [END OF OPTIONAL LANGUAGE] the following principles and procedures.

A teacher may only be discharged, demoted or otherwise disciplined for a reason that is not arbitrary or capricious. [END OPTION] In all instances, discipline, discharge and demotion shall occur in accordance with the statutory requirements under the Revised School Code.

The administrator/School Leader shall conduct an investigation of any alleged act or omission by a teacher that could result in disciplinary action. The teacher shall be provided with oral or written notice of the issue or incident being investigated. The investigation shall include, at a minimum, interviews of appropriate persons and a meeting with the subject teacher and, if requested or if required by the bargaining agreement, his/her designated representative (either another employee or a union representative if part of a bargaining unit) to allow the teacher an opportunity to respond to the complaint. Prior notice of this meeting shall be provided to the teacher for any discipline that may result in a suspension or loss of pay. The meeting shall not proceed without the teacher's designated representative; however, the meeting shall not be unduly delayed to secure the attendance of the teacher's preferred representative. The Academy may substitute another representative from the union to timely process the investigation. [END OF OPTIONAL LANGUAGE]

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

Discipline may include, but is not limited to:

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

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

- If it appears that disciplinary action beyond written reprimand may be necessary, the administrator should contact the Educational Service Provider School Leader (employed by the Board) to discuss the disciplinary action that is to be taken.
- [only applicable if original investigation conducted by another administrator] Any disciplinary action may be submitted to the School Leader for review within five (5) work days of the teacher's receipt of the written confirmation. The Educational Service Provider School Leader (employed by the Board) is not required to conduct an independent investigation. S/He shall meet with the administrator who issued the discipline and with the teacher and his/her designated representative, if applicable and if requested. The Educational Service Provider School Leader (employed by the Board) may affirm, revise or reject any disciplinary action taken against a teacher and his/her decision is final.
- The administrator's decision to impose any disciplinary action is final.

FOR BOARD APPROVAL

REPLACEMENT POLICY- SPRING 2017 **HOMELESS STUDENTS**

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

Definitions

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

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

- A. share the housing of other persons due to loss of housing, economic hardship, or similar reason
- B. live in motels, hotels, trailer parks, or camping grounds due to a lack of alternative adequate accommodations
- C. live in emergency or transitional shelters
- D. are abandoned in hospitals
- E. have a primary night time residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, or
- F. live in a car, park, public space, abandoned building, substandard housing¹, bus or train station, or similar setting

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

¹ According to nonregulatory guidance from the U.S. Department of Education (ED), standards for adequate housing may vary by locality. Please see ED guidance for factors to consider when determining whether a child or youth is living in "substandard housing."

Education for Homeless Children and Youth Programs, Non-Regulatory Guidance, U.S. Department of Education (ED), Title VII-B of the McKinney-Vento Homeless Assistance Act, as amended by the Every Student Succeeds Act, at A-3 (July 27, 2016).

Services to Homeless Children and Youth

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

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

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

School Stability

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

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

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

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

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

Immediate Enrollment

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

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

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

children and youth's priority if there is a waitlist for these schools, programs, and activities.

Transportation

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

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

The Academy determines the mode of transportation in consultation with the parent or guardian and based on the best interest of the student.

In accordance with Federal law, the above transportation requirements still apply during the resolution of any dispute. The Academy will work with the State to resolve transportation disputes with other Academies. If the disputing Academy is in another State, the Academy will turn to the State for assistance as Federal guidance says that both States should try to arrange an agreement for the Academies.

Dispute Resolution

Homeless families and youths have the right to challenge placement and enrollment decisions. If a dispute arises between a school and a parent, guardian or unaccompanied youth regarding eligibility, school selection, or enrollment of a homeless student, the Academy must follow its dispute resolution procedures, consistent with the State's procedures. If such a dispute occurs, the Academy will

immediately enroll the homeless student in the school in which enrollment is sought pending final resolution of the dispute, including all appeals. The student will receive all services for which they are eligible until all disputes and appeals are resolved.

Pursuant to State, Academy and Board of Directors policies, the Academy will provide the parent, guardian or unaccompanied youth with a written explanation of all decisions regarding school selection and enrollment made by the Academy or State, along with a written explanation of appeal rights.

The Academy's notice and written explanation about the reason for its decision will include, at a minimum, an explanation of how the school reached its decision regarding eligibility, school selection, or enrollment, including 1) a description of the proposed or refused action by the school, 2) an explanation of why the action is proposed or refused, 3) a description of other options the school considered and why those options were rejected, 4) a description of any other relevant factors to the school's decision and information related to the eligibility or best interest determination such as the facts, witnesses, and evidence relied upon and their sources, and 5) an appropriate timeline to ensure deadlines are not missed. The Academy must also include contact information for the Liaison and the State Coordinator, and a brief description of their roles. The Academy will also refer the parent, guardian or unaccompanied youth to the Liaison, who will carry out the dispute resolution process.

The Academy ensures that all decisions and notices are drafted in a language and format appropriate for low-literacy, limited vision readers, and individuals with disabilities. For children and youth and/or parents or guardians who are English learners or whose dominate language is not English, the Academy will provide translation and interpretation services in connection with all phases of the dispute resolution process pursuant to federal laws. The Academy will also provide electronic notices via email if the parent, guardian or unaccompanied youth has access to email followed by a written notice provided in person or sent by mail.

Homeless Children in Preschool

Homeless preschool-aged children and their families shall be provided equal access to the educational services for which they are eligible, including preschool programs, including Head Start programs, administered by the Academy. Additionally, the homeless child must remain in the public preschool of origin, unless a determination is made that it is not in the child's best interest. When making such a decision on the student's best interest, the Academy takes into account the same factors as it does for any student, regardless of age. It also considers pre-school age specific factors, such as 1) the child's attachment to preschool teachers and staff; 2) the impact of school climate on the child, including school safety; the quality and availability of services to meet the child's needs, including health, developmental, and social-emotional needs; and 3) travel time to and from school.

The Academy must also provide transportation services to the school of origin for a homeless child attending preschool. It is the Academy's responsibility to provide the child with transportation to the school of origin even if the homeless preschooler who is enrolled in a public preschool in the Academy moves to another Academy that does not provide widely available or universal preschool.

Public Notice

In addition to notifying the parent or guardian of the homeless student or the unaccompanied youth of the applicable rights described above, the Academy shall post public notice of educational rights of children and youth experiencing homelessness in each school. In addition, the Academy shall post public notice of the McKinney-Vento rights in places that homeless populations frequent, such as shelters, soup kitchens, and libraries in a manner and form understandable to the parents and guardians and unaccompanied youths.

Records

The local liaison will assist the homeless students and their parent(s) or guardian(s) or unaccompanied homeless students in their efforts to provide documentation to meet State and local requirements for entry into school.

All records for homeless students shall be maintained, subject to the protections of the Family Educational Rights and Privacy Act (FERPA) and Policy 8330, and in such a manner so that they are available in a timely fashion and can be transferred promptly to the appropriate parties, as required. Pursuant to the McKinney-Vento Act, information regarding a homeless student's living situation is not considered directory information and must be provided the same protections as other non-directory personally identifiable information (PII) contained in student education records under FERPA. The Academy shall incorporate practices to protect student privacy as described in AG 5111.01, AG 8330, and in accordance with the provisions of the Violence Against Women Act (VAWA) and the Family Violence Prevention and Services Act (FVPSA).

No Board policy, administrative procedure, or practice will be interpreted or applied in such a way as to inhibit the enrollment, attendance, or school success of homeless children.

REPLACEMENT POLICY—SPECIAL MAY 2017 UPDATE **STUDENT SECLUSION AND RESTRAINT**

This policy is intended to provide the framework for organizational supports that result in effective interventions based on team-based leadership, data-based decision-making, continuous monitoring of student behavior, regular universal screening and effective on-going professional development. The Academy is committed to investing in prevention efforts and to teach, practice and reinforce behaviors that result in positive academic and social outcomes for students.

In the event that staff members need to restrain and/or seclude students, it must be done in accordance with this policy, which is intended to:

- A. promote the care, safety, welfare and security of the school community and the dignity of each student;
- B. encourage the use of proactive, effective, evidence and research based strategies and best practices to reduce the occurrence of challenging behaviors, eliminate the use of seclusion and restraint, and increase meaningful instructional time for all students; and
- C. ensure that seclusion and restraint are used only as a last resort in an emergency situation and are subject to diligent assessment, monitoring, documentation and reporting by trained personnel.

In furtherance of these objectives, the Academy will utilize Positive Behavioral Interventions and Supports (PBIS) to enhance academic and social behavior outcomes for all students. PBIS implemented by the Academy will include socially valued and measurable outcomes, empirically validated and practical practices, systems that efficiently and effectively support implementation of these practices, and continuous collection and use of data for decision-making.

EMERGENCY SECLUSION

A. Prohibited Practices and Limitations on Use

The following practices are prohibited under all circumstances, including emergency situations:

1. confinement of students who are severely self-injurious or suicidal
2. corporal punishment, as defined in M.C.L. 380.1312(1) of the revised school code, 1976 PA 451
3. the deprivation of basic needs
4. anything constituting child abuse
5. seclusion of pre-school children
6. seclusion that is used for the convenience of school personnel

7. seclusion as a substitute for an educational program
8. seclusion as a form of discipline or punishment
9. seclusion as a substitute for less restrictive alternatives, adequate staffing or school personnel training in PBIS
10. when contraindicated based on (as documented in a record or records made available to the school) a student's disability, health care needs, or medical or psychiatric condition

B. Definition of Emergency Seclusion

Seclusion means the confinement of a student in a room or other space from which the student is physically prevented from leaving. Seclusion does not include the general confinement of students if that confinement is an integral part of an emergency lockdown drill required under Section 19(5) of the Fire Prevention Code, 1941 PA 207, M.C.L. 29.19, or of another emergency security procedure that is necessary to protect the safety of students.

Emergency seclusion is a last resort emergency safety intervention involving seclusion that is necessitated by an ongoing emergency situation and that provides an opportunity for the student to regain self-control while maintaining the safety of the student and others.

To qualify as emergency seclusion, there must be continuous observation by school personnel of the student and the room or area used for confinement:

1. must not be locked
2. must not prevent the student from exiting the area should staff become incapacitated or leave that area
3. must provide for adequate space, lighting, ventilation, viewing, and the safety of the student
4. must comply with State and local fire and building codes

C. Time and Duration Emergency seclusion should not be used any longer than necessary, based on research and evidence, to allow a student to regain control of his/her behavior to the point that the emergency situation necessitating the use of emergency seclusion is ended, but generally no longer than:

1. fifteen (15) minutes for an elementary school student;
2. twenty (20) minutes for a middle school or high school student

If an emergency seclusion lasts longer than the suggested maximum times above, the following are required:

- a. additional support (which may include change of staff, introducing a nurse or specialist, or additional key identified personnel)
- b. documentation to explain the extension beyond the time limit

Additional procedures and requirements applicable to both seclusion and restraint are set out below.

A. Prohibited Practices

The following procedures are prohibited under all circumstances, including emergency situations:

1. mechanical restraint
2. chemical restraint
3. corporal punishment as defined in 380.1312(1) of the revised school code, 1976 PA 451, otherwise known as the Corporal Punishment Act
4. the deprivation of basic needs
5. anything constituting child abuse
6. restraint that is used for the convenience of school personnel
7. restraint as a substitute for an educational program
8. restraint as a form of discipline or punishment
9. restraint as a substitute for less restrictive alternatives, adequate staffing or school personnel training in PBIS
10. when contraindicated based on (as documented in a record or records made available to the school) a student's disability, health care needs, or medical or psychiatric condition
11. any restraint that negatively impacts breathing, including any positions, whether on the floor, facedown, seated or kneeling, in which the student's physical position (e.g., bent over) is such that it is difficult to breathe, including situations that involve sitting or lying across an individual's back or stomach
12. prone restraint (the restraint of a person face down)

NOTE: School personnel who find themselves involved in the use of a prone restraint as the result of responding to an emergency must take immediate steps to end the prone restraint.

13. the intentional application of any noxious substance(s) or

stimuli that results in physical pain or extreme discomfort

A noxious substance or stimuli can either be generally acknowledged or specific to the student.

- 14. physical restraint, other than emergency physical restraint**
- 15. any other type of restraint not expressly allowed**

B. Definition of Restraint

Restraint means an action that prevents or significantly restricts a student's movement. Physical restraint is intended for the purposes of emergency situations only, in which a student's behavior poses imminent risk to the safety of the individual student or to the safety of others. An emergency situation requires an immediate intervention.

Emergency physical restraint is a last resort emergency safety intervention involving physical restraint that is necessitated by an ongoing emergency situation and that provide an opportunity for the student to retain self-control while maintaining the safety of the student and others. An emergency situation requires an immediate intervention. Emergency physical restraint may not be used in place of appropriate less restrictive interventions.

There are three (3) types of restraint: physical, chemical, and mechanical.

- 1. Physical restraint involves direct physical contact.**

Restraint does not include actions undertaken for the following reasons:

- a. to break up a fight**
- b. to take a weapon away from a student**
- c. to briefly hold the student (by an adult) in order to calm or comfort him/her**
- d. to have the minimum contact necessary to physically escort a student from one area to another**
- e. to assist a student in completing a task/response if the student does not resist or if resistance is minimal in intensity or duration**
- f. to hold a student for a brief time in order to prevent an impulsive behavior that threatens the student's immediate safety (e.g., running in front of a car)**
- g. to stop a physical assault as defined in M.C.L. 380.1310**

h. actions that are an integral part of a sporting event, such as a referee pulling football players off from a pile or similar action

2. **Chemical Restraint** is the administration of medication for the purpose of restraint.

Restraint does not include administration of medication prescribed by and administered in accordance with the directions of a physician.

3. **Mechanical Restraint** means the use of any device, article, garment, or material attached to or adjacent to a student's body to perform restraint.

Restraint does not include the following:

- a. an adaptive or protective device recommended by a physician or therapist (when it is used as recommended)
- b. safety equipment used by the general student population as intended (e.g., seat belts, safety harness on school transportation)

C. Time and Duration

Restraint should not be used:

1. any longer than necessary, based on research and evidence, to allow students to regain control of their behavior to the point that the emergency situation necessitating the use of emergency physical restraint is ended; and
2. generally no longer than ten (10) minutes.

If an emergency restraint lasts longer than ten (10) minutes, all of the following are required:

1. additional support, which may include a change of staff, or introducing a nurse, specialist, or additional key identified personnel
2. documentation to explain the extension beyond the time limit

Additional procedures and requirements applicable to both seclusion and restraint are set out below.

USE OF EMERGENCY SECLUSION/RESTRAINT

A. When to Use Emergency Seclusion/Restraint

Seclusion/restraint must be used only under emergency situations and if essential. Emergency situation means a situation in which a

student's behavior poses imminent risk to the safety of the individual student or to the safety of others. An emergency situation requires an immediate intervention.

B. General Procedures for Emergency Seclusion/Restraint:

1. An emergency seclusion/restraint may not be used in place of appropriate, less restrictive interventions.
2. Emergency seclusion/restraint shall be performed in a manner that is:
 - a. safe;
 - b. appropriate; and
 - c. proportionate to and sensitive to the student's:
 - 1) severity of behavior;
 - 2) chronological and developmental age;
 - 3) physical size;
 - 4) gender;
 - 5) physical condition;
 - 6) medical condition;
 - 7) psychiatric condition; and
 - 8) personal history, including any history of physical or sexual abuse or other trauma.
3. School personnel shall call key identified personnel for help from within the school building either immediately at the onset of an emergency situation or, if it is reasonable under the particular circumstances for school personnel to believe that diverting their attention to calling for help would increase the risk to the safety of the student or to the safety of others, as soon as possible once the circumstances no longer support such a belief.
4. While using emergency seclusion/restraint, staff must do all of the following:
 - a. involve key identified personnel to protect the care, welfare, dignity, and safety of the student
 - b. continually observe the student in emergency seclusion for indications of physical distress and seek medical assistance if there is a concern

- c. document observations
 - d. ensure to the extent practicable, in light of the ongoing emergency situation, that the emergency seclusion/restraint does not interfere with the student's ability to communicate using the student's primary mode of communication
 - e. ensure that at all times during the use of emergency seclusion/restraint there are school personnel present who can communicate with the student using the student's primary mode of communication
5. Each use of an emergency seclusion/restraint and the reason for each use shall be documented and reported according to the following procedures:
- a. document in writing and report in writing or orally to the building administration immediately
 - b. report in writing or orally to the parent or guardian immediately
 - c. a report shall be written for each use of seclusion/restraint (including multiple uses within a given day) and the written report(s) provided to the parent or guardian within the earlier of one (1) school day or seven (7) calendar days
6. After any use of an emergency seclusion/restraint, staff must make reasonable efforts to debrief and consult with the parent or guardian, or the parent or guardian and the student (as appropriate) regarding the determination of future actions.

C. Students Exhibiting a Pattern of Behavior

1. If a student exhibits a pattern of behavior that poses a substantial risk of creating an emergency situation in the future that could result in the use of emergency seclusion/restraint, school personnel should do the following:
 - a. conduct a functional behavioral assessment
 - b. develop or revise a PBIS plan to facilitate the reduction or elimination of the use of seclusion/restraint
 - c. develop an assessment and planning process conducted by a team knowledgeable about the student, including at least:
 - 1) the parent or guardian
 - 2) the student (if appropriate)

- 3) people who are responsible for implementation of the PBIS plan
 - 4) people who are knowledgeable in PBIS
- d. develop a written emergency intervention plan ("EIP") to protect the health, safety, and dignity of the student. An EIP may not expand the legally permissible use of emergency seclusion/restraint.

The EIP should be developed by a team in partnership with the parent or guardian. The team shall include:

- 1) a teacher;
- 2) an individual knowledgeable about legally permissible use of seclusion/restraint; and
- 3) an individual knowledgeable about the use of PBIS to eliminate the use of seclusion/restraint.

The EIP should be developed and implemented by taking all of the following documented steps:

- a. describe in detail the emergency intervention procedures
- b. describe in detail the legal limits on the use of emergency seclusion/restraint, including examples of legally permissible and prohibited uses
- c. inquire of the student's medical personnel (with parent or guardian consent) regarding any known medical or health contraindications for the use of seclusion/restraint
- d. conduct a peer review by knowledgeable staff
- e. provide the parent or guardian with all of the following, in writing and orally:
 - 1) A detailed explanation of the PBIS strategies that will reduce the risk of the student's behavior creating an emergency situation.
 - 2) An explanation of what constitutes an emergency, including examples of situations that would fall within and outside of the definition.
 - 3) A detailed explanation of the intervention procedures to be followed in an emergency situation, including the potential use of emergency seclusion/restraint.

- 4) A description of possible discomforts or risks.
- 5) A detailed explanation of the legal limits on the use of emergency seclusion/restraint, including examples of legally permissible and prohibited uses.
- 6) Answers to any questions.

A student who is the subject of an EIP should be told or shown the circumstances under which emergency intervention could be used.

D. Data Collection and Reporting

1. The building administrator shall develop a system of data collection, collect the data and forward all incident reports and data regarding the use of seclusion/restraint to the [] School Leader or [] Educational Service Provider.

The data must:

- a. be analyzed to determine the efficacy of the school's school-wide system of behavioral support;
- b. be analyzed in the context of suspension, expulsion, and dropout data;
- c. be analyzed for the purposes of continuous improvement of training and technical assistance toward the reduction or elimination of seclusion/restraint;
- d. be analyzed on a schedule determined by the Michigan Department of Education (MDE);
- e. be reported to the MDE, if and as required;
- f. include a list of appropriately trained, identified personnel and their levels of:
 - 1) education;
 - 2) training; and
 - 3) knowledge.

NOTE: The Academy must report to the MDE on the use of seclusion and restraint periodically. MDE will develop guidelines that outline the process for reporting redacted, aggregated data regarding the emergency use of seclusion and restraint.

Training Framework

A comprehensive training framework will be implemented which includes the following:

- A. awareness training for all school personnel who have regular contact with students; and
- B. comprehensive training for key identified personnel.

All substitute teachers must be informed of and understand the procedures regarding the use of emergency seclusion and emergency restraint. This requirement may be satisfied using online training developed or approved by MDE and online acknowledgement of understanding and completion of the training by the substitute teacher.

Comprehensive Training for Identified Personnel

Each building administrator will identify sufficient key personnel to ensure that trained personnel are generally available for an emergency situation. Before using emergency seclusion or emergency physical restraint with students, key identified personnel who may have to respond to an emergency safety situation must be trained in all of the following:

- A. proactive practices and strategies that ensure the dignity of students
- B. conflict resolution
- C. mediation
- D. social skills training
- E. de-escalation techniques
- F. positive behavioral intervention and support strategies
- G. techniques to identify student behaviors that may trigger emergency safety situations
- H. related safety considerations, including information regarding the increased risk of injury to students and staff when seclusion or restraint is used
- I. instruction in the use of emergency seclusion and emergency physical restraint
- J. identification of events and environmental factors that may trigger emergency safety situations
- K. instruction on the State policy on the use of seclusion and restraint
- L. description and identification of dangerous behaviors

- M. methods for evaluating the risk of harm to determine whether the use of emergency seclusion or emergency physical restraint is warranted**
- N. types of seclusion**
- O. types of restraint**
- P. the risk of using seclusion and restraint in consideration of a student's known and unknown medical or psychological limitations**
- Q. cardiopulmonary resuscitation and first aid**
- R. the effects of seclusion and restraint on all students**
- S. how to monitor for and identify physical signs of distress and the implications for students generally and for students with particular physical or mental health conditions or psychological limitations**
- T. ways to obtain appropriate medical assistance**

GLOSSARY OF TERMS

"Chemical Restraint" means the administration of medication for the purpose of restraint.

"De-escalation Techniques" means evidence- and research-based strategically employed verbal or nonverbal interventions used to reduce the intensity of threatening behavior before, during, and after a crisis situation occurs.

"Documentation" means documentation developed by the Michigan Department of Education that is uniform across the State.

"Emergency Situation" means a situation in which a student's behavior poses imminent risk to the safety of the individual student or to the safety of others. An emergency situation requires an immediate intervention.

"Functional Behavioral Assessment" means an evidence- and research-based systematic process for identifying the events that trigger and maintain problem behavior in an educational setting. A functional behavioral assessment shall describe specific problematic behaviors, report the frequency of the behaviors, assess environmental and other setting conditions where problematic behaviors occur, and identify the factors that are maintaining the behaviors over time.

"Key Identified Personnel" means those individuals who have received the mandatory training described in M.C.L. 380.1307G(B)(I) to (XVI), listed under Comprehensive Training for Identified Personnel above.

"Mechanical Restraint" means the use of any device, article, garment, or material attached to or adjacent to a student's body to perform restraint.

"Physical Restraint" means restraint involving direct physical contact.

"Positive Behavioral Intervention and Support (PBIS)" means a framework to assist school personnel in adopting and organizing evidence-based behavioral interventions into an integrated continuum of intensifying supports based on student need that unites examination of the function of the problem behavior and the teaching of alternative skill repertoires to enhance academic and social behavior outcomes for all students.

"Positive Behavioral Intervention and Support Plan" means a student-specific support plan composed of individualized, functional behavioral assessment-based intervention strategies, including, as appropriate to the student, guidance or instruction for the student to use new skills as a replacement for problem behaviors, some rearrangement of the antecedent environment so that problems can be prevented and desirable behaviors can be encouraged, and procedures for monitoring, evaluating, and modifying the plan as necessary.

"Prone Restraint" means the restraint of an individual face down.

"Regularly and Continuously Work Under Contract" means that term as defined in section M.C.L. 380.1230.

"Restraint" means an action that prevents or significantly restricts a student's movement. Restraint does not include the brief holding of a student in order to calm or comfort, the minimum contact necessary to physically escort a student from one area to another, the minimum contact necessary to assist a student in completing a task or response if the student does not resist or resistance is minimal in intensity or duration, or the holding of a student for a brief time in order to prevent an impulsive behavior that threatens the student's immediate safety, such as running in front of a car. Restraint does not include the administration of medication prescribed by and administered in accordance with the directions of a physician, an adaptive or protective device recommended by a physician or therapist when it is used as recommended, or safety equipment used by the general student population as intended, such as a seat belt or safety harness on school transportation. Restraint does not include necessary actions taken to break up a fight, to stop a physical assault, as defined in M.C.L. 380.1310, or to take a weapon from a student. Restraint does not include actions that are an integral part of a sporting event, such as a referee pulling football players off of a pile or a similar action.

Restraint that negatively impacts breathing means any restraint that inhibits breathing, including floor restraints, facedown position, or any position in which an individual is bent over in such a way that it is difficult to breathe. This includes a seated or kneeling position in which an individual being restrained is bent over at the waist and restraint that involves sitting or lying across an individual's back or stomach.

"School Personnel" includes all individuals employed in a public school or assigned to regularly and continuously work under contract or under agreement in a public school, or public school personnel providing service at a nonpublic school.

"Seclusion" means the confinement of a student in a room or other space from which the student is physically prevented from leaving. Seclusion does not include the general confinement of students if that confinement is an integral part of an emergency lockdown drill required under Section 19(5) of the Fire Prevention Code, 1941 PA 207, M.C.L. 29.19, or of another emergency security procedure that is necessary to protect the safety of student.

BOARD OF DIRECTORS
ACADEMY NAME

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Adapted from Michigan State Board of Education Policy for the Emergency Use of Seclusion and Restraint adopted in March of 2017

FOR BOARD APPROVAL

REVISED POLICY – FALL 2017

STUDENT ~~EDUCATION~~ TECHNOLOGY ACCEPTABLE USE AND SAFETY

Source: P.L. 106-554, Children's Internet Protection Act of 2000
P.L. 110-385, Title II, Protecting Children in the 21st Century Act
18 U.S.C. 1460
18 U.S.C. 2246
18 U.S.C. 2256
20 U.S.C. 6777, 9134 (2003)
20 U.S.C. 6801 et seq., Part F, Elementary and Secondary Education Act of 1965,
as amended (2003)
47 U.S.C. 254(h), (1), Communications Act of 1934, as amended (2003)
47 C.F.R. 54.520

Technology has fundamentally altered the ways in which information is accessed, communicated, and transferred in society. As a result, educators are continually adapting their means and methods of instruction, and the way they approach student learning, to incorporate the vast, diverse, and unique resources available through the Internet. The Board of Directors provides ~~Education~~ Technology Resources (as defined by Bylaw 0100) to support the educational and professional needs of its students and staff. With respect to students, Academy Technology Resources afford them the opportunity to so that students can acquire the skills and knowledge to learn effectively and live productively in a digital world. The Board of Directors provides students with access to the Internet for limited educational purposes only and utilizes online educational services/apps to enhance the instruction delivered to its students. The Academy's computer network and Internet system does not serve as a public access service or a public forum, and the Board imposes reasonable restrictions on its use consistent with its limited educational purpose.

The Board regulates the use of Academy Technology Resources by principles consistent with applicable local, State, and Federal laws, the Academy's educational mission, and articulated expectations of student conduct as delineated in the Student Code of Conduct. This policy and its related administrative guidelines and the Student Code of Conduct govern students' use of ~~the Academy's Academy Technology Resources and students' computers, laptops, tablets, personal communication devices~~ when they are connected to the Academy computer network, Internet connection, and/or online educational services/apps, or when used while the student is on Board-owned property or a Board-sponsored activity (as defined by see Policy 5136), network, and Internet connection and online educational services ("Education Technology" or "Ed-Tech"). The due process rights of all users will be respected in the event there is a suspicion of inappropriate use of the Education Technology. Users have no right or expectation to privacy when using the Ed-Tech (including, but not limited to, privacy in the content of their personal files, e-mails, and records of their online activity while on the network and Internet).

~~[NOTE: Choose this option if Policy 7542 authorizes student to bring their own personal communication devices and use them to connect to Education Technology.]~~

~~[] This policy and its related administrative guidelines and the Student Code of Conduct also govern students' use of their personal communication devices (that is, according to Policy 5136, computers, laptops, tablets, e-readers, cellular/mobile telephones, smartphones, and any other web-enabled device), when connected to the Academy's network, the Academy's Internet connection, and online educational services ("Education Technology" or "Ed-Tech"). The due process rights of all users will be respected in the event there is a suspicion of inappropriate use of the Education Technology. Users have no right or expectation to privacy when using the~~

~~_____ Ed-Tech (including, but not limited to, privacy in the content of their personal files, e-mails, and records of their online activity while on the network and Internet).~~

Users are required to refrain from actions that are illegal (such as libel, slander, vandalism, harassment, theft, plagiarism, inappropriate access, and the like) or unkind (such as personal attacks, invasion of privacy, injurious comment, and the like). Because its Technology Resources are not unlimited, the Board has also instituted restrictions aimed at preserving these resources, such as placing limits on use of bandwidth, storage space, and printers.

Users have no right or expectation to privacy when using Academy Technology Resources (including, but not limited to, privacy in the content of their personal files, e-mails, and records of their online activity when using the Academy's computer network and/or Internet connection).

First, ~~and foremost~~, the Board may not be able to technologically limit access ~~to services~~ through its ~~Educational Technology Technology Resources~~, to only those services and resources that have been authorized for the purpose of instruction, study and research related to the curriculum. Unlike in the past when educators and community members had the opportunity to review and screen materials to assess their appropriateness for supporting and enriching the curriculum according to adopted procedures and reasonable selection criteria (taking into account the varied instructional needs, learning styles, abilities, and developmental levels of the students who would be exposed to them), access to the Internet, because it serves as a gateway to any publicly available file server in the world, opens classrooms and students to electronic information resources that may not have been screened by educators for use by students of various ages.

Pursuant to Federal law, the Board has implemented technology protection measures ~~which that~~ protect against (e.g., filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors, as defined by the Children's Internet Protection Act. At the discretion of the Board or the School Leader, the technology protection measures may be configured to protect against access to other material considered inappropriate for students to access. The Academy also utilizes software and/or hardware to monitor online activity of students to restrict access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors. However, the Board is cognizant of the fact that such software and/or hardware is not perfect and relies on students to self-police (and immediately cease viewing) online activity that would otherwise be in conflict with these policies and to immediately report such to the _____. ~~The [] School Leader (employed by the Board) [] Educational Service Provider or _____ may temporarily or permanently unblock access to websites or online education services containing appropriate material, if access to such sites has been inappropriately blocked by the technology protection measures. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measures. The technology protection measures may not be disabled at any time that students may be using Academy Technology Resources, if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act. Any student who attempts to disable the technology protection measures will be subject to discipline.~~

The [] Educational Service Provider [] School Leader (employed by the Board) may temporarily or permanently unblock access to websites or online educational services/apps containing appropriate material, if access to such sites has been inappropriately blocked by the technology protection measures. The determination of whether material is appropriate or

inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measures.

Parents/~~guardians~~ are advised that a determined user may be able to gain access to services and/or resources on the Internet that the Board has not authorized for educational purposes. In fact, it is impossible to guarantee students will not gain access through the Internet to information and communications that they and/or their parents/~~guardians~~ may find inappropriate, offensive, objectionable or controversial. ~~Parents/Guardians assume risks by consenting to allow their child to participate in the use of the Internet.~~ Parents/~~Guardians~~ of minors are responsible for setting and conveying the standards that their children should follow when using the Internet, Education Technology. ~~The Board supports and respects each family's right to decide whether to apply for independent student access to the Education Technology.~~

~~The technology protection measures may not be disabled at any time that students may be using the Education Technology, if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act. Any student who attempts to disable the technology protection measures will be subject to discipline.~~

The **Educational Service Provider** **School Leader (employed by the Board)**, is directed to prepare procedures which address students' safety and security while using e-mail, chat rooms and other forms of direct electronic communications, and prohibit disclosure of personal identification information of minors and unauthorized access (e.g., "hacking"), cyberbullying and other unlawful or inappropriate activities by minors online.

Pursuant to Federal law, students shall receive education about the following:

- A. safety and security while using e-mail, chat rooms, social media, and other forms of direct electronic communications;
- B. the dangers inherent with the online disclosure of personally identifiable information;
- C. the consequences of unauthorized access (e.g., "hacking", "harvesting", "digital piracy", "data mining", etc.); cyberbullying and other unlawful or inappropriate activities by students online, and
- D. unauthorized disclosure, use, and dissemination of personally identifiable information regarding minors.

The Board directs staff members to provide instruction for their students the Educational Service Provider to implement procedures regarding the appropriate use of technology and online safety and security as specified above. Furthermore, staff members will monitor the Educational Service Provider will implement monitoring procedures for the online activities while students are at school.

Monitoring may include, but is not necessarily limited to, visual observations of online activities during class sessions; or use of specific monitoring tools to review browser history and network, server, and computer logs.

The **Educational Service Provider** **School Leader (employed by the Board)**, is responsible for providing training so that Internet users under their supervision are knowledgeable about this policy and its accompanying procedures. The Board expects that

staff members will provide guidance and instruction to students in the appropriate use of Academy Technology Resources. ~~the Education Technology~~. Such training shall include, but not be limited to, education concerning appropriate online behavior, including interacting with other individuals on social ~~networking websites and media, including~~ in chat rooms, and cyberbullying awareness and response. All ~~Internet users~~ users of Academy Technology Resources (and their parents if they are minors) are required to sign a written agreement to abide by the terms and conditions of this policy and its accompanying procedures.

- [] Students will be assigned a school email account that they are required to utilize for all Academy-related electronic communications, including those to staff members, peers, and individuals and/or organizations outside the Academy with whom they are communicating for Academy-related projects and assignments. ~~()~~ Further, as directed and authorized by their teachers, they shall use their Academy-assigned email account when signing up/registering for access to various online educational services, including mobile applications/apps that will be utilized by the student for educational purposes.

Students ~~and staff members~~ are responsible for good behavior when using Academy Technology Resources – i.e., behavior comparable to that expected of students when on the Academy’s computers/network and the Internet just as they are in classrooms, school hallways, and other school premises and school sponsored events. Communications on the Internet are often public in nature. General school rules for behavior and communication apply. The Board does not ~~approve/sanction~~ any use of ~~the Education Technology its Technology Resources~~ that is not authorized by or conducted strictly in compliance with this policy and its accompanying procedures.

[NOTE: If language about social media is added to Policy 7540, it is recommended that this language be added to this policy.]

- [] Students ~~shall not access social media for personal use from the Academy’s network~~ may only use Academy Technology Resources to access or use social media if it is done for educational purposes in accordance with their teacher’s approved plan for such use.

~~() —, but shall be permitted to access social media for educational use in accordance with their teacher’s approved plan for such use.~~

Users who disregard this policy and its accompanying procedures may have their use privileges suspended or revoked, and disciplinary action taken against them. Users ~~of the Board’s Education Technology~~ are personally responsible and liable, both civilly and criminally, for uses of ~~the Education Technology~~ Academy Technology Resources that are not authorized by this ~~Board~~ policy and its accompanying procedures.

The Board designates the [] **Educational Service Provider** [] **School Leader (employed by the Board)**, and _____ as the persons responsible for initiating, implementing, and enforcing this policy and its accompanying procedures as they apply to ~~the students’~~ use of Academy Technology Resources. ~~the Academy’s Education Technology and the Internet for instructional purposes.~~

REVISED POLICY – FALL 2017 **STAFF ~~EDUCATION~~ TECHNOLOGY ACCEPTABLE USE** **AND SAFETY**

Source: P.L. 106-554, Children's Internet Protection Act of 2000
P.L. 110-385, Title II, Protecting Children in the 21st Century Act
18 USC 1460
18 USC 2246
18 USC 2256
~~20 USC 6777, 9134 (2003)~~
20 USC 6801 et seq., Part F, Elementary and Secondary Education Act of 1965, as amended (2003)
47 USC 254(h), (1), Communications Act of 1934, as amended (2003)
47 C.F.R. 54.520

Technology has fundamentally altered the ways in which information is accessed, communicated, and transferred in society. As a result, educators are continually adapting their means and methods of instruction, and the way they approach student learning, to incorporate the vast, diverse, and unique resources available through the Internet. The Board of Directors provides Technology and Information Resources (as defined by Bylaw 0100) to support the educational and professional needs of its staff and students. The Board of Directors provides staff with access to the Internet for limited educational purposes only and utilizes online educational services/apps to enhance the instruction delivered to its students and to facilitate the staff's work. The Academy's computer network and Internet system does not serve as a public access service or a public forum, and the Board imposes reasonable restrictions on its use consistent with its limited educational purpose.

~~This policy and its related administrative guidelines and any applicable employment contracts and collective bargaining agreements govern the staffs' use of the Academy's computers, laptops, tablets, personal communication devices (as defined by Policy 7530.02), network and Internet connection and online educational services ("Education Technology" or "Ed-Tech"). The due process rights of all users will be respected in the event there is a suspicion of inappropriate use of the Education Technology. Users have no right or expectation to privacy when using the Ed-Tech Technology. Users have no right or expectation to privacy when using the Ed-Tech (including, but not limited to, privacy in the content of their persona files, e-mails, and records of their online activity while on the network and Internet).~~

The Board regulates the use of Academy Technology and Information Resources by principles consistent with applicable local, State, and Federal laws, and the Academy's educational mission. This policy and its related administrative guidelines and any applicable employment contracts and collective bargaining agreements govern the staffs' use of the Academy's Technology and Information Resources and staff's personal communication devices when they are connected to the Academy's computer network, Internet connection and/or online educational services/apps, or when used while the staff member is on Board-owned property or at a Board-sponsored activity (see Policy 7530.02).

Users are required to refrain from actions that are illegal (such as libel, slander, vandalism, harassment, theft, plagiarism, inappropriate access, and the like) or unkind (such as personal attacks, invasion of privacy, injurious comment, and the like). Because its Technology Resources are not unlimited, the Board has also instituted restrictions aimed at preserving these resources, such as placing limits on use of bandwidth, storage space, and printers.

Users have no right or expectation to privacy when using Academy's Technology and Information Resources (including, but not limited to, privacy in the content of their personal files, e-mails, and records of their online activity when using the Academy's computer network and/or Internet connection).

Staff are expected to utilize ~~Education Technology in order~~ Academy Technology and Information Resources to promote educational excellence in our schools by providing students with the opportunity to develop the resource sharing, innovation, and communication skills and tools that are essential to both life and work. The Board encourages the faculty to develop the appropriate skills necessary to effectively access, analyze, evaluate, and utilize these resources in enriching educational activities. The instructional use of the Internet and online educational services will be guided by ~~the Board's policy~~ Board Policy 2521 – Selection of ~~an~~ Instructional Materials and Equipment.

The Internet is a global information and communication network that brings incredible education and information resources to our students. The Internet connects computers and users in the Academy with computers and users worldwide. Through the Internet, students and staff can access relevant information that will enhance their learning and the education process. Further, ~~the Education Technology provides Academy Technology Resources~~ provide students and staff with the opportunity to communicate with other people from throughout the world. Access to such an incredible quantity of information and resources brings with it, however, certain unique challenges and responsibilities.

First, ~~and foremost,~~ the Board may not be able to technologically limit access ~~to services~~ over its ~~Education Technology~~ Technology Resources, to only those services and resources that have been authorized for the purpose of instruction, study and research related to the curriculum. Unlike in the past when educators and community members had the opportunity to review and screen materials to assess their appropriateness for supporting and enriching the curriculum according to adopted procedures and reasonable selection criteria (taking into account the varied instructional needs, learning styles, abilities, and developmental levels of the students who would be exposed to them), access to the Internet, because it serves as a gateway to any publicly available file server in the world, opens classrooms and students to electronic information resources that may not have been screened by educators for use by students of various ages.

Pursuant to Federal law, the Board has implemented technology protection measures, ~~which that~~, protect against (e.g., filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors, as defined by the Children's Internet Protection Act. At the discretion of the Board or **School Leader (employed by the Board)** **Educational Service Provider**, the technology protection measures may also be configured to protect against access to other material considered inappropriate for students to access. The Board also utilizes software and/or hardware to monitor online activity of staff members to restrict access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors. However, the Board is cognizant of the fact that such software and/or hardware is not perfect and relies on Staff members to self-police (and immediately cease viewing) online activity that would otherwise be in conflict with these policies and to immediately report such to the

The technology protection measures may not be disabled at any time that students may be using the Academy Technology Resources, if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act. Any staff member who attempts to disable the technology protection measures without express written consent of an appropriate administrator will be subject to disciplinary action, up to and including termination.

~~The technology protection measures may not be disabled at any time that students may be using the Education Technology, if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act. Any staff member who attempts to disable the technology protection measures will be subject to disciplinary action, up to and including termination.~~

The **School Leader (employed by the Board)** **Educational Service Provider** or _____ may temporarily or permanently unblock access to websites or online educational services/apps containing appropriate material, if access to such sites has been inappropriately blocked by the technology protection measures. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measures. () The **School Leader (employed by the Board)** **Educational Service Provider** or _____ may also disable the technology protection measures to enable access for bona fide research or other lawful purposes.

The **School Leader (employed by the Board)** **Educational Service Provider**, is directed to prepare procedures which address students' safety and security while using e-mail, chat rooms and other forms of direct electronic communication, and prohibit disclosure of personal identification information of minors and unauthorized access (e.g., "hacking"), cyberbullying and other unlawful or inappropriate activities by minors online. Staff members are reminded that personally identifiable student information is confidential and may not be disclosed without prior written parental permission.

The Board directs staff members to participate in The Board directs the Educational Service Provider to initiate professional development programs in accordance with the provisions of law and this policy. Training shall include:

- A. the safety and security of students while using e-mail, chat rooms, social media and other forms of direct electronic communications;
- B. the inherent danger of students disclosing personally identifiable information online;
- C. the consequences of unauthorized access (e.g., "hacking", "harvesting", "digital piracy", "data mining", etc.), cyberbullying and other unlawful or inappropriate activities by students or staff online; and
- D. unauthorized disclosure, use, and dissemination of personally ly-identifiable information regarding minors.

Furthermore, the Board directs staff members to provide instruction for their students the Educational Service Provider to cause to provide instruction for students regarding the appropriate use of technology and online safety and security as specified above, and staff members will monitor the Educational Service Provider will implement monitoring procedures for the online activities while students are at school.

- Monitoring may include, but is not necessarily limited to, visual observations of online activities during class sessions; or use of specific monitoring tools to review browser history and network, server, and computer logs.

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

The **School Leader (employed by the Board)** **Educational Service Provider**, is responsible for providing training so that Internet users under their supervision are knowledgeable about this policy and its accompanying procedures. The Board expects that guidance will be provided and instruction offered to students in the appropriate use of the Academy Technology Resources. ~~Education Technology~~. Such training shall include, but not be limited to, education concerning appropriate online behavior, including interacting with other individuals on social ~~networking websites and media including~~ in chat rooms, and cyberbullying awareness and response. All ~~Internet users~~ users of Academy Technology Resources are required to sign a written agreement to abide by the terms and conditions of this policy and its accompanying procedures.

- Staff will be assigned an Academy e-mail address that they are required to utilize for all Academy-related electronic communications, including those to students, ~~and their~~ parents and other staff members.

- With prior approval from the **School Leader (employed by the Board)** **Educational Service Provider** or _____, staff may direct students who have been issued Academy-assigned e-mail accounts to use those accounts when signing up/registering for access to various online educational services including mobile applications/apps that will be utilized by the students for educational purposes under the teacher's supervision.

The Board expects all Academy personnel to be responsible for good behavior on when using ~~the Academy's Education Technology just as Academy Technology and Information Resources – i.e., behavior comparable to that expected when~~ in classrooms, school hallways, and other school premises and school sponsored events. Communications on the Internet are often public in nature. The Board does not approve any use of its Technology and Information Resources that is not authorized by or conducted strictly in compliance with this policy and its accompanying guidelines.

[NOTE: If language about social media is added to Policy 7540, choose the appropriate option to match that language]

- Staff members ~~may only use Academy Technology Resources to~~ shall not access or use social media ~~if it is done for personal use on the Academy's network, and shall access social media for educational or business-related purposes. use only after submitting a plan for that educational use and securing the School Leader's approval of that plan in advance.~~

- ~~Staff members shall not access social media from the Academy's network for either personal or educational use.~~

General Academy rules for behavior and communication apply. ~~The Board does not sanction any use of the Internet that is not authorized by or conducted strictly in compliance with this policy and its accompanying procedures. Users who disregard this policy and its accompanying procedures may have their use privileges suspended or revoked, and~~

~~disciplinary action taken against them. Users of the Academy's technology are personally responsible and liable, both civilly and criminally, for uses of the Education Technology not authorized by this policy and its accompanying procedures.~~

~~Users who disregard this policy and its accompanying guidelines may have their use privileges suspended or revoked, and disciplinary action taken against them. Users are personally responsible and liable, both civilly and criminally, for uses of Academy Technology and Information Resources that are not authorized by this policy and its accompanying guidelines.~~

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

Social Media Use

Personal or private use of social media, ~~such as Facebook, Twitter, MySpace, blogs, etc.,~~ may result in unintended consequences. While the Board respects employees First Amendment rights, those rights do not include permission to post inflammatory comments that could compromise the Academy's Mission, undermine staff relationships, or cause a substantial disruption to the school environment. This warning includes Academy personnel online conduct that occurs off school property, including from the Academy's personal or private computer. Postings to social media should be done in a manner sensitive to the staff member's professional responsibilities.

In addition, Federal and State confidentiality laws forbid schools and Academy employees from using or disclosing student education records without parental consent. See Policy 8330. Education records include a wide variety of information; posting personally identifiable information about students is not permitted. Academy personnel who violate State and Federal confidentiality laws or privacy laws related to the disclosure of confidential employee information may be disciplined.

~~The Board designates the Educational Service Provider School Leader (employed by the Board) and _____ as the administrators responsible for initiating, implementing, and enforcing this policy and its accompanying procedures as they apply to the use of the Academy's Education Technology.~~

REVISED POLICY – FALL 2017

ELECTRONIC MAIL ACADEMY-ISSUED STAFF E-MAIL ACCOUNT

Staff

The Board of Directors is committed to the effective use of electronic mail ("e-mail") by all school staff and Board members in the conduct of their official duties. ~~This policy, as well as any procedures developed pursuant to it, are not meant to limit or discourage the use of e-mail for conducting the official business of the Academy, but rather, this~~ This policy and any corresponding procedures are intended to establish a framework for the proper use of e-mail for conducting as an official business and communicating with colleagues, students, parents and community members. too.

When available, the Academy's e-mail system must be used by **Educational Service Provider** **Board** employees for any official Academy e-mail communications. Personal e-mail accounts on providers other than the Academy's e-mail system

- may be blocked at any time
- shall be blocked

~~due to if~~ concerns for network security, SPAM, or virus protection arise. Furthermore, school staff are expected to exercise reasonable judgment and prudence and take appropriate precautions to prevent viruses from entering the Academy's network when opening or forwarding any e-mails or attachments to e-mails that originate from unknown sources.

Academy staff shall not send or forward mass e-mails, even if the e-mails concern Academy business, without prior approval of the

- Technology Director.
- site administrator.
- Educational Service Provider.
- School Leader
- _____ (other).

Academy staff may join list serves or other e-mail services (e.g. RSS feeds) that pertain to their responsibilities in the Academy, provided these list serves or other e-mail services do not exceed the staff member's e-mail storage allotment. if a staff member is unsure whether s/he has adequate storage or should subscribe to a list serv or RSS feed, s/he should discuss the issue with his/her building principal or the Academy's Technology Director IT staff. Staff members are required to keep their inbox and folders organized by regularly reviewing e-mail messages, appropriately saving e-mails that constitute a public record or student record and e-mails that are subject to a Litigation Hold, and purging all other e-mails that have been read. If the staff member is concerned that his/her e-mail storage allotment is not sufficient, s/he should contact the Academy's technology coordinator (IT staff). Similarly, if a staff member is unsure whether s/he has adequate storage or should

~~subscribe to a list serv or RSS feed, s/he should discuss the issue with his/her School Leader or the Academy's () technology coordinator () IT staff.~~ The

- () Technology Director
- () site administrator
- () School Leader
- () _____ (other)

is authorized to block e-mail from list servs or e-mail services if the e-mails received by the staff member(s) ~~() become excessive ()~~ regularly exceed _____ megabytes.

Staff members are encouraged to keep their inbox and folders organized by regularly reviewing e-mail messages, appropriately saving e-mails that constitute a public record or student record and e-mails that are subject to a litigation hold (see Policy 8315 – Information Management), and purging all other e-mails that have been read. If the staff member is concerned that his/her e-mail storage allotment is not sufficient, s/he should contact the Academy's () Technology Director () IT staff.

Public Records

The Academy complies with all Federal and State laws pertaining to electronic mail. Accordingly, e-mails written by or sent to school staff and Board members may be public records if their content concerns Academy business, or education records if their content includes personally identifiable information about a student. E-mails that are public records are subject to retention and disclosure, upon request, in accordance with Policy 8310 – Public Records. E-mails that are student records ~~should~~ must be maintained pursuant to Policy 8330 – Student Records. Finally e-mails may constitute electronically stored information ("ESI") that may be subject to a ~~Litigation Hold~~ litigation hold pursuant to Policy 8315 – Information Management.

State and Federal law exempt certain documents and information within documents from disclosure, no matter what their form. Therefore, certain e-mails may be exempt from disclosure or it may be necessary to redact certain content in the e-mails before the e-mails are released pursuant to a public records request, the request of a parent or eligible student to review education records, or a duly served discovery request involving ESI.

E-mails written by or sent to school staff and Board members by means of their private e-mail account may be public records if the content of the e-mails concerns Academy business, or education records if their content includes personally identifiable information about a student. Consequently, staff shall comply with an Academy request to produce copies of e-mail in their possession that are either public records or education records, or that constitute ESI that is subject to a ~~Litigation Hold~~ litigation hold, even if such records reside on a computer owned by an individual staff member, or are accessed through an e-mail account not controlled by the Academy.

Retention

Pursuant to State and Federal law, e-mails that are public records or education records, and e-mails that are subject to a ~~Litigation Hold~~ litigation hold shall be retained.

[] E-mail retention is the responsibility of the individual e-mail user. Users must comply with Academy guidelines for properly saving/archiving e-mails that are public records, student education records, and/or subject to a litigation hold. E-mails sent or received using the Academy's e-mail service () are **automatically retained () may only be retained for _____** [e.g., thirty (30)] days on the server. This retention is for disaster recovery and not to provide for future retrieval. The Academy does not maintain a central or distributed e-mail archive of e-mail sent and/or received. Any questions concerning e-mail retention should be directed to the () Technology Director () site administrator () _____ [other].

[] The Academy maintains archives of all e-mails sent and/or received by users of the Academy's e-mail service. Staff members are required to forward copies of any e-mails received in their personal e-mail account(s) not affiliated with the Academy server to their Academy e-mail account so that these records are also archived for future retrieval, if necessary.

Unauthorized E-mail

The Board does not authorize the use of its proprietary computers and Technology Resources, including its computer network ("network") to accept, transmit, or distribute unsolicited bulk e-mail sent through the Internet to network e-mail accounts. In addition, Internet e-mail sent, or caused to be sent, to or through the network that makes use of or contains invalid or forged headers, invalid or non-existent domain names, or other means of deceptive addressing will be deemed to be counterfeit. Any attempt to send or cause such counterfeit e-mail to be sent to or through the network is unauthorized. Similarly, e-mail that is relayed from any third party's e-mail servers without the permission of that third party, or which employs similar techniques to hide or obscure the source of the e-mail, is also an unauthorized use of the network. The Board does not authorize the harvesting or collection of network e-mail addresses for the purposes of sending unsolicited e-mail. The Board reserves the right to take all legal and technical steps available to prevent unsolicited bulk e-mail or other unauthorized e-mail from entering, utilizing, or remaining within the network. Nothing in this policy is intended to grant any right to transmit or send e-mail to, or through, the network. The Board's failure to enforce this policy in every instance in which it might have application does not amount to a waiver of its rights.

Unauthorized use of the network in connection with the transmission of unsolicited bulk e-mail, including the transmission of counterfeit e-mail, may result in civil and criminal penalties against the sender and/or possible disciplinary action.

Authorized Use and Training

Pursuant to Policy 7540.04, staff and Board members using the Academy's e-mail system shall acknowledge their review of, and intent to comply with, the Academy's policy on acceptable use and safety by signing and submitting Form 7540.04 F1 () **annually**.

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

NEW POLICY – FALL 2017 **ACADEMY-ISSUED STUDENT E-MAIL ACCOUNT**

Students assigned an academy e-mail account are required to utilize it for all academy-related electronic communications, including those to staff members and individuals and/or organizations outside the Academy with whom they are communicating for academy-related projects and assignments. Further, as directed and authorized by their teachers, they shall use their academy-assigned e-mail account when signing-up/registering for access to various online educational services, including mobile applications/apps that will be utilized by the student for educational purposes.

This policy and any corresponding guidelines serve to establish a framework for student's proper use of e-mail as an educational tool.

Personal e-mail accounts on providers other than the Academy's e-mail system

- may be blocked at any time
- shall be blocked

if concerns for network security, SPAM, or virus protection arise. Students are expected to exercise reasonable judgment and prudence and take appropriate precautions to prevent viruses from entering the Academy's network when opening or forwarding any e-mails or attachments to e-mails that originate from unknown sources.

Students shall not send or forward mass e-mails, even if educationally-related, without prior approval of their classroom teacher or the

- Technology Director.
- site administrator.
- _____ [other].

Students may join list serves or other e-mail services (e.g. RSS feeds) that pertain to academic work, provided the e-mails received from the list serves or other e-mail services do not become excessive exceed the students' individual e-mail storage allotment. If a student is unsure whether s/he has adequate storage or should subscribe to a list serv or RSS feed, s/he should discuss the issue with his/her classroom teacher, the building principal or the Academy's Technology Director IT staff. The

- Technology Director
- site administrator
- _____ [other]

is authorized to block e-mail from list serves or e-mail services if the e-mails received by the student becomes excessive regularly exceed _____ megabytes.

Students are encouraged to keep their inbox and folders organized by regularly reviewing e-mail messages and purging e-mails once they are read and no longer needed for school.

Unauthorized E-mail

The Board does not authorize the use of its Technology Resources, including its computer network ("network"), to accept, transmit, or distribute unsolicited bulk e-mail sent through the Internet to network e-mail accounts. In addition, Internet e-mail sent, or caused to be sent, to or through the network that makes use of or contains invalid or forged headers, invalid or non-existent domain names, or other means of deceptive addressing will be deemed to be counterfeit. Any attempt to send or cause such counterfeit e-mail to be sent to or through the network is unauthorized. Similarly, e-mail that is relayed from any third party's e-mail servers without the permission of that third party, or which employs similar techniques to hide or obscure the source of the e-mail, is also an unauthorized use of the network. The Board does not authorize the harvesting or collection of network e-mail addresses for the purposes of sending unsolicited e-mail. The Board reserves the right to take all legal and technical steps available to prevent unsolicited bulk e-mail or other unauthorized e-mail from entering, utilizing, or remaining within the network. Nothing in this policy is intended to grant any right to transmit or send e-mail to, or through, the network. The Board's failure to enforce this policy in every instance in which it might have application does not amount to a waiver of its rights.

Unauthorized use of the network in connection with the transmission of unsolicited bulk e-mail, including the transmission of counterfeit e-mail, may result in civil and criminal penalties against the sender and/or possible disciplinary action.

Authorized Use and Training

Pursuant to Policy 7540.03, students using the Academy's e-mail system shall acknowledge their review of, and intent to comply with, the Academy's policy on acceptable use and safety by signing and submitting Form 7540.03 F1 () annually.

Furthermore, students using the Academy's e-mail system shall satisfactorily complete training (), pursuant to Policy 7540.03, regarding the proper use of e-mail () annually.

REVISED POLICY – FALL 2017 **CRIMINAL HISTORY RECORD CHECK**

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

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

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

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

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

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

- A. the record check has been requested;
- B. the applicant has signed a disclosure of all convictions and acknowledges that employment may be terminated if there are discrepancies; and

¹ ~~Individuals who submit and receive such criminal history record checks on behalf of the Academy must be direct employees of the Academy or, if such access is approved by the Board, ESP personnel who are provided view only access by the Local Agency Security Officer. Notwithstanding this, Information Technology contractors and vendors may be granted access to CHRI subject to successful completion of a national fingerprint-based criminal history record check as detailed in Policy 8321 act on behalf of the Academy, work on a regular or continuous basis in the Academy, are involved in the hiring process of Academy employees, and have successfully undergone a fingerprint-based criminal history record check by the Academy, may continue to submit and receive such criminal history record checks on behalf of the Academy, regardless of their status as employees, contractors, vendors or similar classification.~~

- C. the hiring occurs during the school year or not more than thirty (30) days before the beginning of the school year.

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

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

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

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

All criminal history record check reports received from the State Police or produced by the State Police and received by the Academy from another proper source will be maintained in the individual's personnel record.

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

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

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

The School Leader shall establish the necessary procedures for obtaining from the Criminal Records Division of the State Police any criminal history on the applicant maintained by the

State Police. In addition, they shall request the State Police to obtain a criminal history records check from the Federal Bureau of Investigation.

An applicant must

- () submit, at no expense to the Academy,
- or
- () provide, at the Academy's expense,

a set of fingerprints, prepared by an entity approved by the Michigan State Police, upon receiving an offer of employment, or as required by State law for continued employment.

Confidentiality

All information and records obtained from such criminal background inquiries and disclosures are to be considered confidential and shall not be released or disseminated to those ~~not directly involved in evaluating the applicant's qualifications, who have not been given access to the CHRI by the School Leader or the Board.~~ Records involving misdemeanor convictions for sexual or physical abuse or any felony are not subject to these restrictions. Violation of confidentiality is considered a misdemeanor punishable by a fine up to \$10,000.

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

Criminal history reports may be released with the written authorization of the individual.

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

Implementation with the Educational Service Provider

The State Police require, with the limited exception set forth in footnote 1, that the School Leader, if he/she meets the criteria of footnote 1, shall be empowered to administer this policy as the Designee of the Academy Board.

REVISED POLICY – FALL 2017 **CRIMINAL JUSTICE INFORMATION SECURITY** **(NON-CRIMINAL JUSTICE AGENCY)**

Reference: Criminal Justice Information Services - Security Policy (Version 5.2, 2013),
U.S. Dept. of Justice and Federal Bureau of Investigation
Noncriminal Justice Agency Compliance Audit Review, Michigan State
Police, Criminal Justice Information, Center, Audit and Training Section
Conducting Criminal Background Checks, Michigan State Police, Criminal Justice Information
Center

[] Option #1: Short statement of policy.

The Academy is required by State law to obtain both a State and a Federal Bureau of Investigation (FBI) criminal history record information (CHRI) background check report for all employees of the Academy and contractors, vendors and their employees who work on a regular and continuous basis in the Academy. The Academy shall comply with all rules established by the Michigan State Police (MSP) and the FBI while processing, storing, and sharing CHRI.

[END HERE IF TAKING OPTION #1]

[] Option #2 (the rest of the policy): Select this option if the Academy will be processing CHRI. Do not select if the Academy will be utilizing a different governmental actor as its Authorized Recipient of CHRI.

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

[] Optional Section: Select the following language if Academy employees will be handling CHRI:

Sanctions for Non-Compliance

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

[END OPTIONAL SECTION]

[] Optional Section: Select this option only if a Board Member or Board Employee will be conducting the background checks. If a different governmental agency will be processing CHRI on behalf of the Academy, there is no need for the following procedures.

Local Agency Security Officer (LASO)

The **[INSERT DESIGNATED BOARD MEMBER/ BOARD EMPLOYEE]** shall be designated as the Academy'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 instituting the CSA incident response reporting procedures;
- D. ensuring the MSP Information Security Officer is promptly informed of any security incidents involving the abuse or breach of the system and/or access to criminal justice information;
- E. to the extent applicable, identifying and documenting how Academy equipment is connected to the MSP system;
- F. to the extent applicable, identify who is using the MSP approved hardware, software and firmware, and ensuring that no unauthorized individuals have access to these items.

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

[END OPTIONAL SECTION]

[] Optional Section: Select if a Board Member or Board Employee will be handling CHRI.

Agency User Agreements

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

Personnel Security

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, Information Technology contractors and vendors, 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, and must be 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 School Leader (if not the designated LASO) shall make the determination. If the School Leader (employed by the Board) is also the designated LASO, the determination shall be made by **[INSERT DESIGNATED BOARD MEMBER/BOARD EMPLOYEE]** Except that, as noted in (D)(1)(a), individuals with a felony conviction of any kind will have their access permanently suspended.
- 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 a direct employee of the Academy; however, if approved by the Board and an appropriate waiver obtained from the prospective employee, ESP personnel may be given view only access to the information by the LASO if needed to review the results for determining an individual's qualifications for employment. The Academy must maintain a readily accessible list that includes the names of all LASO-approved personnel with access to criminal justice information, as well as the reason for providing each individual access.
- E. Termination of Employment/Access – Within twenty-four (24) hours of the termination of employment, all access to criminal justice information shall be terminated immediately for that individual, and steps taken to assure security of such information and any systems at the Academy 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 shall determine whether continued access is necessary and appropriate. If not, s/he shall take such steps as necessary to block further access to such information within the twenty-four (24) hour period immediately following the transfer or reassignment.

G. Information Technology Contractors and Vendors¹ – Prior to granting access to criminal justice information to an IT contractor or vendor, identification must be verified via a Michigan (or state of residency if other than Michigan) and national fingerprint-based criminal history record check. A felony conviction of any kind, as well as any outstanding arrest warrant, will disqualify an IT contractor or vendor for access to criminal justice information. A contractor or vendor with a criminal record of any other kind may be granted access if the LASO determines the nature or severity of the misdemeanor offense(s) does not warrant disqualification. If any other results/records are returned, the individual shall not be granted access until the LASO reviews and determines access is appropriate.

Media Protection

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

- A. Media Storage and Access – All digital and physical media shall be stored in a physically secure location or controlled area, such as locked office, locked cabinet or other similarly secure area(s) which can only be accessed by authorized individuals. If such security cannot be reasonably provided, then all digital CHRI background data shall be encrypted. Digital media shall be stored on an Academy server. Storage on a third party server, such as cloud service, is not permitted. Storage of digital media must conform to the requirements in AG 8321.
- B. Media Transport – Digital and physical media shall 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, digital media (e.g., hard drives and removable storage devices such as disks, tapes, flash drives and memory cards) shall be either encrypted and/or be password protected during the transport process.

- C. Media Disposal/Sanitization – When the CHRI background check is no longer needed, the media upon which it is stored shall either be destroyed or

sanitized. The LASO and the School Leader (employed by the Board) 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 statutes of limitation and can be retained in digital format.]**

1. Digital Media - Sanitization of the media and deletion of the data shall be accomplished by either overwriting at least three (3) times or by degaussing, prior to disposal or reuse of the media. If the media is inoperable or will not be reused, it shall be destroyed by shredding, cutting, or other suitable method to assure that any data will not be retrievable.
2. Physical Media – Disposal of documents, images or other type of physical record of the criminal history information shall be cross-cut shredded or incinerated. Physical security of the documents and their information shall be maintained during the process by authorized individuals. Documents may not be placed in a waste basket or burn bag for unauthorized individuals to later collect and dispose of.

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

- D. Mobile Devices – A personally-owned mobile device (mobile phone, tablet, laptop, etc.) shall not be authorized to access, process, store or transmit criminal justice information unless the Academy has established and documented the specific terms and conditions for personally-owned mobile devices.

CHRI Background Check Consent and Documentation

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

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

Optional Section: Select this option if a different governmental agency is processing CHRI for the Academy.

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

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

[END OPTIONAL SECTION]

Optional Section: Select if a Board Member or Board Employee will be handling CHRI.

Controlled Area/Physical Protection

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

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

[END OPTIONAL SECTION]

Optional Section: Select if a Board Member or Board Employee will be handling CHRI, and the Board Member / Employee has access to an electronic database of CHRI.

Passwords (Standard Authentication)¹

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

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

- 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.)

[END OPTIONAL SECTION]

[] Optional Section: Select if a Board Member or Board Employee will be handling CHRI.

Security Awareness Training

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

Each LASO must attend MSP Audit, Security and Access to Criminal History training

Secondary Dissemination of Information

If criminal history background information received from the MSP 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, and name of the individual at 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 Academy and the MSP. A release form consenting to the sharing of CHRI shall be maintained at all relevant times.

If CHRI is received from another Academy, district or outside agency, an Internet Criminal History Access Tool (ICHAT) background check shall be performed to ensure the CHRI is

based on personal identifying information, including the individual's name, sex, and date of birth, at a minimum.

[END OPTIONAL SECTION]

[] Optional Section: Select if a Board Member or Board Employee will be handling CHRI. If a different governmental agency will be processing the CHRI, that other agency will retain the CHRI for auditing.

Audit and Accountability

The Academy's information system shall produce, at the application and/or operating system level, audit records containing sufficient information to establish what events occurred, the sources of the events, and the outcomes of the events. In the event the Academy does not use an automated system, manual recording of activities shall still take place.

The following events shall be logged:

1. Successful and unsuccessful system log-on attempts.
2. Successful and unsuccessful attempts to:
 - a. access permission on a user account, file, directory or other system resource;
 - b. create permission on a user account, file, directory or other system resource;
 - c. write permission on a user account, file, directory or other system resource;
 - d. delete permission on a user account, file, directory or other system resource;
 - e. change permission on a user account, file, directory or other system resource.
3. Successful and unsuccessful attempts to change account passwords.
4. Successful and unsuccessful actions by privileged accounts.
5. Successful and unsuccessful attempts for users to:
 - a. access the audit log file;
 - b. modify the audit log file;
 - c. destroy the audit log file.

The following content shall be included with every audited event: 1) date and time of the event; 2) the component of the information system (e.g., software

component, hardware component) where the event occurred; 3) type of event; 4) user identity; and 5) outcome (success or failure) of the event.

Audit Monitoring, Analysis and Reporting - The Academy shall designate an individual or position to review/analyze information system audit records for indications of inappropriate or unusual activity, to investigate suspicious activity or suspected violations, to report findings to appropriate officials, and to take necessary actions. Audit review/analysis shall be conducted at a minimum once a week, and should be increased if volume indicates an elevated need for audit review.

Time Stamps - The Academy's information system shall provide time stamps for use in audit record generation. The time stamps shall include the date and time values generated by the internal system clocks in the audit records.

Protection of Audit Information - The Academy's information system shall protect audit information and audit tools from modification, deletion and unauthorized access.

Audit Record Retention - The Academy shall retain audit records for at least one (1) year. Once the minimum retention time period has passed, the Academy may continue to retain audit records until it is determined they are no longer needed for administrative, legal, audit, or other operational purposes.

Ref: Criminal Justice Information Services - Security Policy (Version 5.5, 2016),
U.S. Dept. of Justice and Federal Bureau of Investigation
Noncriminal Justice Agency Compliance Audit Review, Michigan State
Police, Criminal Justice Information Center, Audit and Training Section
Conducting Criminal Background Checks, Michigan State Police, Criminal
Justice Information Center

ADMINISTRATIVE GUIDELINES

NEW GUIDELINE – FALL 2017 **CRIMINAL HISTORY RECORD CHECK**

Prior to making any offer of employment to a new applicant, the following procedure is to be used for electronic fingerprinting services for applicant background checks:

- A. The applicant will be asked to arrange for fingerprinting with the entity or agency which uses fingerprinting procedures acceptable to the Michigan State Police.
- B. The fingerprinting agency will provide the applicant with a date and location of the procedure.
- C. The applicant will be expected to bring payment and the form provided by the Academy, designating the purpose for which a background check is needed. The criminal background checks required by State law must be performed.
- D. Cost of the criminal background record check is determined by the Michigan State Police (MSP). The fingerprinting agency will notify the applicant of the current cost, plus any processing fee, at the time s/he is requested to submit to the criminal background check. Each request must be accompanied by a check, payable to the entity or agency, to cover the full cost of the fees.
- E. The fingerprinting agency will capture the fingerprints and personal information and transmit the data to the MSP.
- F. MSP will perform the check on the State data base and forward the criminal history check to the FBI, if required by statute for the position. MSP will mail the record directly to the Academy, not the applicant.
- G. All information received from the criminal history check shall be kept confidential by the person(s) receiving the report and is to be shared only with the School Leader or other persons authorized by the School Leader or the Board to view criminal history record information ("CHRI"). If the applicant is subsequently employed, the record check shall be kept in his/her confidential file.
- H. The School Leader shall determine whether or not to consider disqualification of an applicant based on the records check. An applicant who has a confirmed conviction for a "listed offense" (as defined in M.C.L. 28.722) may not be employed.

REVISED GUIDELINE – FALL 2017

REPRODUCTIVE HEALTH AND FAMILY PLANNING SEX EDUCATION

Reference: MCL 380.1507

These guidelines have been developed to assist staff in implementing the School's program for sex education and AIDS education. The term *sex education* includes instruction related to reproductive health and family planning; human sexuality; emotional, physical, psychological, hygienic, economic, and social aspects of family life; venereal diseases; non casual-contact communicable diseases such as AIDS; and abstinence from sex as a responsible method for restriction and prevention of non casual-contact communicable diseases and as a positive life-style for unmarried young people.

The curriculum shall emphasize the following:

- A. Instruction on human immunodeficiency virus infection and acquired immunodeficiency syndrome shall emphasize that abstinence from sex is a positive lifestyle for unmarried young people because abstinence is the only protection that is 100% effective against unplanned pregnancy, sexually transmitted disease, and sexually transmitted human immunodeficiency virus infection and acquired immunodeficiency syndrome.
- B. Use of material and instruction in the sex education curriculum that discusses sex shall be age-appropriate, shall be medically accurate, and shall do at least all of the following:
 1. Discuss the benefits of abstaining from sex until marriage and the benefits of ceasing sex if a student is sexually active.
 2. Include a discussion of the possible emotional, economic, and legal consequences of sexual activity.
 3. Stress that unplanned pregnancy and sexually transmitted diseases are serious problems that are not fully preventable except by abstinence.
 4. Advise students of the laws pertaining to their responsibility as parents to children born in and out of wedlock.
 5. Ensure that students are not taught in a way that condones the violation of the laws of this State pertaining to sexual activity, including, but not limited to gross indecency, sodomy, incident exposure and, first, second, third, and fourth degree criminal sexual conduct; ~~gross indecency between male and female persons, between male persons, between female persons, and sodomy with mankind or with any animal.~~
 6. Teach students how to say “no” to sexual advances. Teach them not to take advantage of, harass, or exploit another person sexually.
 7. Teach refusal skills, and encourage students to resist pressure to engage in risky sexual behavior.

8. Teach that the student has the power to control personal behavior. Students shall be taught to base their actions on reasoning, self-discipline, a sense of responsibility, self-control, and ethical considerations such as respect for self and others.
 9. Provide instruction on healthy dating relationships and on how to set limits and recognize a dangerous environment.
 10. Provide information for students about how young parents can learn more about adoption services and about the provisions of the safe delivery of newborns.
 11. Include information clearly informing students that having sex or sexual contact with an individual under the age of sixteen (16) is a crime punishable by imprisonment and that the conviction of this crime requires listing on the sex offender registry on the Internet for up to twenty-five (25) years.
- [] Include behavioral risk reduction strategies, as defined by law, that are safe and effective, although not 100% effective against unplanned pregnancy, sexually transmitted disease, and sexually transmitted human immunodeficiency virus infection and acquired immunodeficiency syndrome.

Sex Education Advisory Board

The Board of Directors shall not offer instruction in sex education, including family planning and human sexuality, prior to the appointment and meeting of the Advisory Board.

The Board shall appoint and shall determine terms of service for the Sex Education Advisory Board, the number of members to serve on the advisory board, and a membership selection process that reasonably reflects the School's population, and shall appoint two (2) co-chairs for the Advisory Board, at least one (1) of whom is a parent of a child attending the School.

At least one-half (1/2) of the members of the Sex Education Advisory Board shall be parents who have a child attending the School, and a majority of these parent members shall be individuals who are not employed by the School. The Advisory Board shall include students of the School, educators, local clergy, and community health professionals.

Written or electronic notice of a Sex Education Advisory Board meeting shall be sent to each member at least two (2) weeks before the date of the meeting.

Role of the Sex Education Advisory Board

The Advisory Board shall do all of the following:

- A. Establish program goals and objectives for student knowledge and skills that are likely to reduce the rates of sexual activity, pregnancy, and sexually transmitted diseases.
- B. Review the materials and methods of instruction used and make recommendations to the Board of Directors for implementation. The Advisory Board shall take into consideration the School's needs, demographics, and trends, including, but not limited to, teenage pregnancy rates, sexually

transmitted disease rates, and incidents of student sexual violence and harassment.

- C. At least once every two (2) years, evaluate, measure, and report the attainment of program goals and objectives established by the Sex Education Advisory Board (SEAB). The Board of Directors shall make the resulting report available to parents.

~~D. Public hearings must be held before adopting any revisions in the materials or methods used in instruction, including, but not limited to, revisions to provide for the teaching of abstinence from sex as a method of preventing unplanned or out-of-wedlock pregnancy and sexually transmitted disease. At least two (2) public hearings on the proposed revisions must be held. The hearings shall be held at least one (1) week apart and public notice of the hearings shall be given in the manner required under the Open Meetings Act.~~

Before adopting any revisions in the materials or methods used in instruction including, but not limited to, revisions to provide for the teaching of abstinence from sex as a method of preventing unplanned or out-of-wedlock pregnancy and sexually transmitted disease, public hearings must be held. At least two (2) public hearings on the proposed revisions must be held. The hearings shall be held at least one (1) week apart and public notice of the hearings shall be given in the manner required under the Open Meetings Act.

A person shall not dispense or otherwise distribute in a public school academy or on public school academy property a family planning drug or device. Additionally, any officer, agent, or employee of the Board is prohibited from referring a student for an abortion or assisting a student in obtaining an abortion.

A Confirmation Checklist (Form 2413 F2 ~~and/or Form 2414 F2~~) has been prepared that is based on the Michigan Department of Education's sex education guidelines and is designed to ensure that the program is implemented properly and minimizes concern by parents or other interested parties.

Prior to the start of the program each year, the _____ shall inform parents of their rights concerning the program. ~~(See Form 2414 F1)~~. Also, whenever any additions or modifications are made to the program, the Board shall conduct two (2) public hearings before the program can be approved and implemented. Once the program has been started, a copy of the completed confirmation should be sent to the School Leader's office by no later than _____ and the original should be maintained in the School's office.

In the event of a complaint about the program, the person or party should be made aware of the Board's complaint procedure described in Policy 9130. This policy is available at the School Leader's Office. Any such complaint is most likely to concern the program itself or its implementation rather than the particular person teaching the program. Therefore, as the policy indicates, the complaint is to be handled by the _____ and not by a teacher. Be sure the complainant receives a copy of the procedure either through the mail or by coming to the office. Complaints that originate at the central office are to be handled in the same manner.

Although the law allows a student to be excused from classes but not the course, no student is to be excused from a lesson or activity in either program unless and until the parent has had the opportunity to come to the Academy to review the program lessons and materials, to observe the instruction, if so desired, and to file a complaint in accordance with Policy 9130.

OFFICE OF THE SCHOOL LEADER
SCHOOL NAME

PROGRAM
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The _____ is to make certain the materials are available and any complaint is focused on a particular topic or type of activity rather than on general reactions.

REVISED GUIDELINE – FALL 2017 **MISSING AND ABSENT CHILDREN**

Reference: M.C.L. 722.774

The School should make a concerted effort to assist in identifying missing and runaway children using the following guidelines:

[] Student absence:

A parent must notify the School by 9:00 a.m. on the day a student is to be absent unless previous notification has been given in accordance with the School's procedure for reporting absences. If such notification is not received, the School Leader should notify by telephone or in writing the student's parents, guardian, or legal custodian of a student's absence. The parent is responsible for providing the School with current home and/or work telephone numbers and to notify the School of any change in the above information.

[] Voluntary fingerprinting:

Fingerprinting programs shall be encouraged to help with the identification of missing or runaway children.

Any such programs offered by or through the Academy will be solely for purposes of aiding in the identification and location of missing or runaway children. Written parental consent will be required prior to fingerprinting any student. Only one (1) set of prints shall be taken and the fingerprint cards shall be given to the parent or guardian for safekeeping.

1. No student will be required to participate.

~~2. Written parental consent will be required prior to fingerprinting any student.~~

~~3.~~ 23. Fingerprinting will be done by law enforcement agencies.

~~4. All fingerprinting cards are to be given to the parents and not retained by the School, the law enforcement agency, or any other person other than the parents.~~

~~35.~~ 35. The name, gender, hair and eye color, height, weight, and date and place of birth of the student shall be indicated on the card.

~~46.~~ 46. The program will be offered on a periodic basis and parents and residents will be notified periodically about the program and its purpose.

~~7. Fingerprinting students will be for the sole purpose of aiding in the identification and location of missing children.~~

~~58.~~ The parent must be present at the fingerprinting to sign the permission form and to receive the completed fingerprint record.

Missing children investigations:

school personnel are required by law to provide law enforcement officials access to a student's record when conducting a missing or runaway child investigation, providing they have the permission of the parent.

Pictures for identification:

School personnel, authorized to enter into contracts for taking student pictures, will request the photographer to provide, free of cost to the School, a wallet-sized photograph of each student for identification purposes.

Enrollment of new students:

A student seeking entry into the School must comply with requirements specified in the Board's admission policy.

Upon entry, the School Leader should send a request, in writing, to the sending school as soon as possible. If the records are not received within two weeks, the School Leader shall call the school. If the sending school indicates no history of the student attending that school, the Educational Service Provider/School Leader shall contact the police.

If a missing child is found to be attending the School, the Educational Service Provider/School Leader shall immediately notify the Department of Education and the law enforcement agency where the child resides.

DELETE GUIDELINE – FALL 2017 **STUDENT SECLUSION AND RESTRAINT**

In the event that staff members need to restrain and/or seclude students, it must be done in accordance with the following procedures and guidelines. Such intervention may be used only as a last resort in emergency situations, if students pose a threat to themselves or others based on their behavior.

Only school staff and substitute personnel who are trained in permissible seclusion and physical restraint measures shall use such techniques.

Seclusion and restraint shall not be used for the following reasons/purposes:

- A. for the convenience of staff;
- B. as a substitute for an appropriate educational program;
- C. as a form of discipline/punishment;
- D. as a substitute for less restrictive alternatives;
- E. as a substitute for adequate staffing; or
- F. as a substitute for staff training in positive behavior supports and crisis prevention and intervention.

SECLUSION

A. Prohibited Practices

The following practices are prohibited under all circumstances, including emergency situations:

1. corporal punishment, as defined in 380.1312(1) of the revised school code, 1976 PA 451;
2. the deprivation of basic needs;
3. anything constituting child abuse;
4. seclusion of preschool children; and
5. the intentional application of any noxious substance(s) or stimuli that results in physical pain or extreme discomfort. A noxious substance or stimuli can either be generally acknowledged or specific to the student.

B. Definition of Emergency Seclusion

Seclusion is a last resort emergency safety intervention that provides an opportunity for the student to regain self-control. Seclusion is the confinement of a student in a room or other space from which the student is physically prevented from leaving and which provides for continuous adult observation of the student. A room or area used for seclusion requires the following conditions:

1. must not be locked;
2. must not prevent the student from exiting the area should staff become incapacitated or leave that area; and
3. must provide for adequate space, lighting, ventilation, viewing, and the safety of the student.

C. Limitations in Use

Seclusion is inappropriate for students who are severely self-injurious or suicidal.

D. Time and Duration

Emergency seclusion should not be used any longer than necessary to allow a student to regain control of his/her behavior, but generally these guidelines should be followed:

1. Elementary school students should be secluded - no longer than fifteen (15) minutes.
2. Middle and high school students should be secluded – no longer than twenty (20) minutes.
3. If an emergency seclusion lasts longer than the suggested maximum time, the following are required:
 - a. additional support (e.g., changing of staff, introducing a nurse or specialist, obtaining additional expertise); and
 - b. documentation to explain the extension beyond the time limit.

E. Definition of Timeout

Timeout is a behavior intervention in which a student, for a limited and specified time, is placed in an environment where access to positive reinforcement is unavailable. Timeout should not be confused with seclusion because in a timeout setting a student's movement is not physically restricted.

Timeout lies within a continuum of procedures that help students self-regulate and control their behavior. The timeout continuum is as follows:

1. planned ignoring (the systematic withdrawal of social attention for a predetermined time period upon the onset of mild levels of problem behavior);
2. withdrawal of materials (removal of materials that the student is using upon the occurrence of the inappropriate behavior);
3. contingent observation (student remains in a position to observe the group without participating or receiving reinforcement for a specified period to time); and
4. exclusionary timeout (student is removed from the immediate instructional setting in response to behavior that requires immediate and direct cessation. This form of timeout can take place within the same classroom or in a nearby location that can be supervised by an adult).

RESTRAINT

A. Prohibited Practices

The following procedures are prohibited under all circumstances, including emergency situations:

1. mechanical restraint;
2. chemical restraint;
3. corporal punishment as defined in 380.1312(1) of the revised school code, 1976 PA 451, otherwise known as the Corporal Punishment Act;
4. the deprivation of basic needs;
5. anything constituting child abuse;
6. any restraint that negatively impacts breathing;
7. prone restraint (the restraint of a person face down); and

NOTE: School personnel who find themselves involved in the use of a prone restraint as the result of responding to an emergency must take immediate steps to end the prone restraint.

8. the intentional application of any noxious substance(s) or stimuli that results in physical pain or extreme discomfort. A noxious substance or stimuli can either be generally acknowledged or specific to the student.

B. Definition of Restraint

There are three (3) types of restraint: physical, chemical, and mechanical.

1. **Physical restraint** involves direct physical contact that prevents or significantly restricts a student's movement. Restraint is a last resort, emergency safety intervention. Restraint is an opportunity for the student to regain self-control. This policy on physical restraint is not intended to forbid actions undertaken for the following reasons:
 - a. to break up a fight;
 - b. to take a weapon away from a student;
 - c. to briefly hold the student (by an adult) in order to calm or comfort him/her;
 - d. to have the minimum contact necessary to physically escort a student from one area to another;
 - e. to assist a student in completing a task/response if the student does not resist or if resistance is minimal in intensity or duration; and
 - f. to hold a student for a brief time in order to prevent an impulsive behavior that threatens the student's immediate safety (e.g., running in front of a car).
2. **Chemical restraint** is the administration of medication for the purpose of restraint. Chemical restraint does not apply to medication prescribed by and administered in accordance with the directions of a physician.
3. **Mechanical restraint** means the use of any device or material attached to or adjacent to a student's body that restricts normal freedom of movement and that cannot be easily removed by a student. Mechanical restraint does not include the following:
 - a. an adaptive or protective device recommended by a physician or therapist (when it is used as recommended); or
 - b. safety equipment used by the general student population as intended (e.g., seat belts, safety harness on school transportation).

C. Time and Duration

Restraint should not be used:

1. any longer than necessary to allow students to regain control of

their behavior; and

2. generally no longer than ten (10) minutes.

If an emergency restraint lasts longer than ten (10) minutes, the following are required:

1. additional support (e.g., change of staff, introducing a nurse or specialist, obtaining additional expertise); and
2. documentation to explain the extension beyond the time limit.

USE OF EMERGENCY SECLUSION/RESTRAINT

A. When to Use Emergency Seclusion/Restraint

A behavior that requires immediate intervention constitutes an emergency. Seclusion/restraint must be used only under emergency situations and if essential. An emergency that may require the use of seclusion/restraint includes the following:

1. behavior that poses an imminent risk to the safety of an individual student;
2. behavior that poses an imminent risk to the safety of others; or
3. behavior that is otherwise governed by the revised school code, 1976 PA 451, otherwise known as the Corporal Punishment Act (restraint only).

B. General Procedures for Emergency Seclusion/Restraint

1. An emergency seclusion/restraint may not be used in place of appropriate, less restrictive interventions.
2. Emergency seclusion/restraint shall be performed in a manner that is:
 - a. safe;
 - b. appropriate; and
 - c. proportionate and sensitive to the student's
 - 1) severity of behavior;
 - 2) chronological and developmental age;
 - 3) physical size;
 - 4) gender;
 - 5) physical condition;

- 6) medical condition;
 - 7) psychiatric condition; and
 - 8) personal history, including any history of physical or sexual abuse.
3. Staff shall immediately call for help from within the building at the onset of an emergency.

Substitute teachers will be informed of all **SchoolAcademy** emergency procedures, including the emergency use of seclusion and restraint.

4. Staff requirements while using seclusion/restraint, staff must include the following:
- a. involve appropriately trained, identified personnel to protect the care, welfare, dignity, and safety of the student;
 - b. continually observe the student in seclusion/restraint for indications of physical distress and seek medical assistance if there is a concern; and
 - c. document observations.
5. Document and report each use of an emergency seclusion/restraint and the reason for each use according to the following procedures:
- a. document in writing and report to the building administration immediately;
 - b. report to the parent or guardian immediately or as soon as possible; and
 - c. document in a written report each use of seclusion/restraint (including multiple uses within a given day) and give to the parent or guardian within twenty-four (24) hours.
6. After any use of an emergency seclusion/restraint, staff must debrief and consult with parents and students (as appropriate) regarding the determination of future actions.

Discussion shall include the following:

- a. What precipitated the behavior that required emergency intervention?
- b. Is there any anticipation that the behavior will occur again?
- c. Is there a need for follow-up action?

d. What is the specific follow-up action?

DELETE

7. Should a pattern of reoccurring behavior emerge, or be anticipated, which may require the use of emergency seclusion/restraint, the professional staff, in conjunction with the building administrator, must do the following:
- a. conduct a functional behavioral assessment;
 - b. develop or revise a Positive Behavior Support Plan (PBSP) to facilitate the reduction or elimination of the use of seclusion/restraint;
 - c. develop an assessment and planning process conducted by a team knowledgeable about the student, including the following:
 - 1) the parent;
 - 2) the student (if appropriate);
 - 3) people who are responsible for implementation of the PBSP; and
 - 4) people who are knowledgeable in PBS.

Should a pattern of behavior, which requires the use of reoccurring emergency seclusion/restraint emerge, or be anticipated, an Emergency Intervention Plan (EIP) should be developed in addition to the PBSP to protect the health, safety, and dignity of the student. The EIP should be developed by a team in partnership with the parent. The team shall include a staff person knowledgeable about seclusion/restraint. The EIP should be developed and implemented by taking the following documented steps:

- a. describe in detail the emergency intervention procedures;
- b. inquire of the student's medical personnel (with parent consent) regarding any known medical or health contraindications for the use of seclusion/restraint;
- c. conduct a peer review by knowledgeable staff; and
- d. gain informed consent from the parent after providing the following:
 - 1) an explanation of emergency procedures to be followed and the purpose for the emergency seclusion/restraint;
 - 2) a description of possible discomforts or risks;

- 3) a discussion of possible alternative strategies with advantages and disadvantages;
- 4) answers to any questions; and
- 5) information on freedom to withdraw consent at any time when seclusion/restraint is included in an emergency intervention plan, the student should be told or shown the circumstances under which the emergency seclusion/restraint will be used. The plan shall provide due consideration for the humanness or social acceptability of any seclusion/restraint included in an emergency intervention plan. As defined in the emergency intervention plan, it shall:
 - a. provide periodic review of the plan and related data;
 - b. ensure that responsible staff are trained in the specific techniques described in the emergency intervention plan; and
 - c. maintain necessary staffing at all times.

8. The **building administrator** shall collect data and forward all incident reports and data regarding the use of seclusion/restraint to the _____.[**Educational Service Provider/School Leader's office**]

The data will be collected and analyzed to include the following:

- a. analysis to determine the efficacy of the school's school-wide system of behavioral support;
- b. analysis in the context of suspension, expulsion, and dropout data;
- c. analysis for the purposes of continuous improvement of training and technical assistance toward the reduction or elimination of seclusion/restraint;
- d. analysis on a schedule determined by the MDE;
- e. a report to the MDE, if and as required; and
- f. a list of appropriately trained, identified personnel and their levels of:

- 1) education;
- 2) training; and
- 3) knowledge.

TRAINING ON SECLUSION/RESTRAINT

A. Training Framework

A comprehensive training will be implemented which includes the following:

1. awareness training for the broader educational community, including pre-service training for all teachers;
2. awareness training for substitute teachers; and
3. comprehensive training for key identified personnel.

B. Training Components

All training will include:

1. proactive practices and strategies that ensure the dignity of students;
2. conflict resolution;
3. mediation;
4. social skills training;
5. de-escalation techniques;
6. positive behavior support strategies;
7. techniques to identify student behaviors that may trigger emergency safety situations;
8. related safety considerations, including information regarding the increased risk of injury to students and staff when seclusion or restraint is used;
9. instruction in the use of seclusion and restraint;
10. identification of events and environmental factors that may trigger safety situations; and
11. instruction on the State Board of Education policy, on *Supporting Student Behavior: The Emergency Use of Seclusion and Restraint*.

C. **Comprehensive Training for Identified Personnel**

Each building administrator will identify sufficient key personnel to ensure that trained personnel are available for an emergency situation. Before using seclusion or restraint with students, key identified personnel who may have to respond to an emergency safety situation must be trained in the following:

1. proactive practices and strategies that ensure the dignity of students;
2. conflict resolution;
3. mediation;
4. social skills training;
5. de-escalation techniques;
6. positive behavior support strategies;
7. techniques to identify student behaviors that may trigger emergency safety situations;
8. related safety considerations, including information regarding the increased risk of injury to students and staff when seclusion or restraint is used;
9. instruction in the use of seclusion and restraint;
10. identification of events and environmental factors that may trigger emergency safety situations;
11. instruction on the State Board of Education policy, *Supporting Student Behavior: The Emergency Use of Seclusion and Restraint*;
12. description and identification of dangerous behaviors;
13. methods for evaluating the risk of harm to determine whether the use of seclusion or restraint is warranted;
14. types of seclusion;
15. types of restraint;
16. the risk of using seclusion and restraint in consideration of a student's known and unknown medical or psychological limitations;
17. instruction in the use of seclusion and restraint;

18. the effects of seclusion and restraint on ALL students;
19. methodology monitoring the physical signs of distress; and
20. ways to obtain medical assistance.

Adapted from Michigan State Board of Education Standards for Emergency Use of Seclusion and Restraint, adopted December 12, 2006

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REVISED GUIDELINE – FALL 2017

PERSONAL USE OF THE ACADEMY'S TECHNOLOGY RESOURCES

The following guidelines ~~will govern~~ staff member's ~~the~~ personal use of Academy Technology Resources (as defined in Bylaw 0100) either at school or while at home for school purposes. These guidelines also govern students' personal use of Academy Technology Resources while at home. Except as authorized herein, no personal, that is non-school, use of Academy Technology Resources may be made by any student at any time. Board technology by staff members as well as use for the School's purposes by either staff or students while at home. No personal, non-school use of the School's technology may be made by any student at any time.

- [] Form 7540.01 F1 - Permission to Use/Import Software is to be submitted to the _____ before any staff member may bring personal software is used and/or installed on Academy Technology Resources, to the School. In addition, the staff member must provide either the licensing agreement from the manufacturer or a proof of purchase. The staff member must also confirm to the _____ that he/she has reviewed and analyzed the content of the software, using the criteria established in Form 2521 F1 - Rating Non-School Instructional Materials, and has rated it no higher than "2" on any of the four criteria. The staff member should retain a copy of the form. Form 7540.03 F1 and Form 7540.04 F1 must address the issue of the proprietary rights related to the design of any Website website, pages, services or apps design concerning any Websites and/or pages hosted on the Board's-owned or Academy-affiliated servers or that are created/developed during work as a part of an employee's job responsibilities (staff) or as a class assignment (student).
- [] Either a staff member or a student may start a project using Board-owned software at the School (or personal software at home) and produce a copy of the project or document. Ordinarily, the The Board will not provide Board-owned software for use on a personal communication device (PCD) (as defined in Bylaw 0100) owned by a staff member or student. computers at home. When the project is completed, the staff member should notify the _____ to find out whether or not the Board wishes wants to keep a copy for reference or for use by others. No staff member or student should expect to retain any proprietary rights related to the design on any Website or pages hosted on the Board's servers or content of any website, pages, services or apps hosted on Board-owned or Academy-affiliated servers or that are created during work as a part of an employee's job responsibilities (staff) or as a class assignment (student).
- [] Prior to making a copy of or using any Board-owned software, a staff member or student should contact the _____ to find out if any licensing agreement is associated with that software and, if so, if the license allows the staff member or student to load the material on or access that product/service through his/her home personal computer. If reproduction is allowed, the staff member or student is to complete a check-out form (see Form 7540.01 F2) in which he/she agrees to make only one (1) copy, only for personal use, and not for use by others. If the license does not allow this, then no copy is to be made.
- [] Before accessing Academy Technology Resources, including the Internet or Academy network(s), staff members and students must sign the applicable

~~Student or Staff Technology Acceptable Use and Safety Agreement, Form 7540.03 F1 or Form 7540.04 F1. () All student use of the Internet must be under the supervision of a staff member or approved volunteer. No staff member or student will be allowed access to the Internet or other networks without first signing the Student or Staff Network and Internet Acceptable Use and Safety Agreement, Form 7540.03 F1 or 7540.04 F1. All use of the Internet by students must be under the supervision of a staff member or approved volunteer.~~

- [] Neither staff members nor students are to use Academy Technology Resources ~~the Internet~~ for recreational, personal, discriminatory, or unlawful purposes, but only for purposes related to the Board's educational mission and goals, program or to operational needs.
- [] Each staff member and student will be ~~provided~~ issued a password for use with Academy Technology Resources, ~~the School's technology~~, with the provision that ~~the password is not to be shared~~ provided the individual agrees not to share the password with others. The existence of a password does not guarantee confidentiality or privacy, and the Board retains the right to use any person's password to monitor the type of use that is being made of the Academy Technology Resource. ~~technology~~.
- [] With regard to personal email, staff members may use their Academy-issued e-mail account ~~it~~ to send and/or receive personal messages, providing the following conditions:
 - [] such use is limited to non-duty time.
 - [] such use does not involve the conduct of any personal, discriminatory, or unlawful business (including commercial purposes, advertising, and political lobbying).
- [] Students are not allowed to send or receive personal email messages using Academy Technology Resources.
- [] Students are allowed to send or receive personal email messages using Academy Technology Resources with the consent of _____.
- [] Use of all other Academy Technology Resources ~~Board technology~~ shall be in accord with AG 7530 - Personal Use of the School's Equipment/Supplies/~~and Facilities~~.

REVISED GUIDELINE – FALL 2017 **STUDENT ~~EDUCATION~~ TECHNOLOGY ACCEPTABLE USE AND SAFETY**

Source: P.L. 106-554, Children's Internet Protection Act of 2000
P.L. 110-385, Title II, Protecting Children in the 21st Century Act
18 USC 1460
18 USC 2246
18 USC 2256
20 USC 6777, 9134 (2003)
20 USC 6801 et seq., Part F, Elementary and Secondary Education Act of 1965,
as amended (2003)
47 USC 254(h), (1), Communications Act of 1934, as amended (2003)

Students shall use Academy Technology Resources (see definition Bylaw 0100) for educational purposes only. Academy Technology Resources shall not be used for personal, non-school related purposes. ~~are authorized to use the Academy's computers, laptops, tablets, personal communication devices (as defined by Policy 5136), network, and Internet connection and online educational services ("Education Technology" or "Ed-Tech") for educational purposes.~~ Use of ~~the Education Technology Academy Technology Resources~~ is a privilege, not a right. When using Academy Technology Resources~~the Ed-Tech~~, students must conduct themselves in a responsible, efficient, ethical, and legal manner. Students found to have engaged in u~~un~~authorized or inappropriate use of Academy Technology Resources~~the Ed-Tech~~, including any violation of these guidelines, may result in cancellation of the~~have their~~ privilege limited or revoked, and may face further disciplinary action consistent with the Student Handbook, and/or civil or criminal liability. Prior to accessing or using Academy Technology Resources~~the Education Technology~~ students and parents of minor students must sign the Student ~~Education~~ Technology Acceptable Use and Safety Agreement (Form 7540.03 F1). Parents ~~are encouraged to~~should discuss their values with their children and encourage students to make decisions regarding their use of Academy Technology Resources~~the Ed-Tech~~ that is in accord with their personal and family values, in addition to the ~~Board's~~ Board of Directors standards. () Students must complete a mandatory training session/program before being permitted to access ~~the Education Technology~~or use Academy Technology Resources () and/or being assigned a school email address.

This guideline also governs students' use of their personal communication devices (see definition Bylaw 0100) when they are connected to Academy Technology Resources, or when used while the student is on Board-owned property or at a Board-sponsored activity.

Smooth operation of the Board's Education Technology relies upon users adhering to the following guidelines. The guidelines outlined below are provided so that users are aware of their responsibilities. Below is a non-exhaustive list of unauthorized uses and prohibited behaviors. This guideline further provides a general overview of the responsibilities users assume when using Academy Technology Resources.

- A. ~~Students are responsible for their behavior and communication using the Education Technology.~~ All use of Academy Technology Resources~~the Education Technology~~ must be consistent with the educational mission and goals of the School.
- B. Students may only access and use Academy Technology Resources~~the Education Technology~~ by using their assigned account and may only send Academy-related electronic communications using their Academy-assigned email addresses. Use of

another person's account/e-mail address/~~password~~ is prohibited. Students may not go beyond their authorized access. Students should ~~are responsible for taking~~ take steps to prevent unauthorized access to their accounts by logging off or "locking" their computers/laptops/tablets/personal communication devices when leaving them unattended.

- C. No user may have access to another's private files. Any attempt by users to access another user's or the Academy's non-public files, or phone or e-mail messages is considered theft. Any attempts to gain access to unauthorized resources or information either on the Academy's computer or telephone systems or any systems to which the Academy has access are prohibited. Similarly, ~~s~~Students may not intentionally seek information on, obtain copies of, or modify files, data or passwords belonging to other users, or misrepresent other users on the Academy's Network. ~~Students may not intentionally disable any security features of the Education Technology.~~

- D. Students may not intentionally disable any security features used on Academy Technology Resources.

- ~~ED.~~ Students may not use Academy Technology Resources or their personal communication device the Education Technology to engage in vandalism, "hacking", or other unlawful-illegal activities (e.g., software pirating; intellectual property violations; engaging in slander, libel, or harassment; threatening the life or safety of another; stalking; transmission of obscene materials or child pornography, including sexting; fraud; sale of illegal substances and goods).

1. Slander and libel - In short, slander is "oral communication of false statements injurious to a person's reputation," and libel is "a false publication in writing, printing, or typewriting or in signs or pictures that maliciously damages a person's reputation or the act or an instance of presenting such a statement to the public." (The American Heritage Dictionary of the English Language. Third Edition is licensed from Houghton Mifflin Company. Copyright © 1992 by Houghton Mifflin Company. All rights reserved.) Students shall not knowingly or recklessly post false or defamatory information about a person or organization. Students are reminded that material distributed over the Internet is "public" to a degree no other school publication or utterance is. As such, any remark may be seen by literally millions of people and harmful and false statements will be viewed in that light.

24. Students shall not use Academy Technology Resources~~the Education Technology~~ to 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 or transgender identity, marital status, age, ~~height, weight,~~ disability, religion, or political beliefs. Sending, sharing, viewing, or possessing pictures, images, text messages, e-mails, or other materials of a sexual nature (i.e. sexting) in electronic or any other form, including the contents of a personal communication device or other electronic equipment is grounds for discipline. Such actions will be reported to local law enforcement and child services as required by law.

3. Vandalism and Hacking – Deliberate attempts to damage the hardware, software, or information residing in Academy Technology Resources or any computer system attached through the Internet is strictly prohibited. In particular, malicious use of Academy Technology Resources to develop programs that harass other users or infiltrate a computer/laptop/tablet or computer system and/or damage the software components of a computer or computing system is prohibited.

Attempts to violate the integrity of private accounts, files or programs, the deliberate infecting of the network or computers, laptops, tablets, etc., attached to the network with a "virus", attempts at hacking into any internal or external computer systems using any method will not be tolerated.

Students may not engage in vandalism or use Academy Technology Resources or their personal communication devices in such a way that would disrupt others' use of Academy Technology Resources.

Vandalism is defined as any malicious or intentional attempt to harm, steal, or destroy data of another user, school networks, or technology hardware. This includes but is not limited to uploading or creation of computer viruses, installing unapproved software, changing equipment configurations, deliberately destroying or stealing hardware and its components, or seeking to circumvent or bypass network security and/or the Board's technology protection measures. Students also must avoid intentionally wasting limited resources. Students must immediately notify the teacher, building principal, or _____ if they identify a possible security problem. Students should not go looking for security problems, because this may be construed as an unlawful attempt to gain access.

CHOOSE OPTION #1 OR OPTION #2

[] OPTION # 1

4. Use of Academy Technology Resources to access, process, distribute, display or print child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors is prohibited. As such, the following material is prohibited: material that appeals to a prurient interest in nudity, sex, and excretion; material that depicts, describes or represents in a patently offensive way with respect to what is suitable for minors an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and material that lacks serious literary, artistic, political or scientific value as to minors. If a student inadvertently accesses material that is prohibited by this paragraph, s/he should immediately disclose the inadvertent access to the teacher or building principal. This will protect the user against an allegation that s/he intentionally violated this provision.

[END OF OPTION #1]

[] **OPTION # 2**

4. Students shall not use Academy Technology Resources to access, process, distribute, display or print prohibited material at any time, for any purpose. Students may only access, process, distribute, display or print restricted material, and/or limited access material as authorized below.

a. Prohibited material includes material that constitutes child pornography and material that is obscene, objectionable, inappropriate and/or harmful to minors, as defined by the Children's Internet Protection Act. As such, the following material is prohibited: material that appeals to a prurient or unhealthy interest in nudity, sex, and excretion; material that depicts, describes, or represents in a patently offensive way with respect to what is suitable for minors an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and material that lacks serious literary, artistic, political or scientific value as to minors. Prohibited material also includes material that appeals to a prurient or unhealthy interest in, or depicts, describes, or represents in a patently offensive way, violence, death, or bodily functions; material designated as for "adults" only; and material that promotes or advocates illegal activities.

b. Restricted material may not be accessed by elementary or middle school students at any time, for any purpose. Restricted material may be accessed by high school students in the context of specific learning activities that have been approved by a teacher or staff member for legitimate research purposes. Materials that may arguably fall within the description provided for prohibited material that has clear educational relevance, such as material with literary, artistic, political, or scientific value, will be considered to be restricted. In addition, restricted material includes materials that promote or advocate the use of alcohol and tobacco, hate and discrimination, satanic and cult group membership, school cheating, and weapons. Sites that contain personal advertisements or facilitate making online connections with other people are restricted unless such sites have been specifically approved by the _____.

[NOTE: THIS PARAGRAPH (b) CAN BE MODIFIED AS DESIRED BY THE ACADEMY.]

c. Limited access material is material that is generally considered to be non-educational or entertainment. Limited access material may be accessed in the context of specific learning activities that are directed by a teacher or during periods that a school may designate as "open access" time. Limited access material includes such material as electronic commerce, games, jokes, recreation, entertainment, sports, and investment. **[NOTE: THIS LAST SENTENCE CAN BE MODIFIED AS DESIRED BY THE ACADEMY.]**

If a student inadvertently accesses material that is considered prohibited or restricted, s/he should immediately disclose the inadvertent access to the teacher or building principal. This will protect the student against an allegation that s/he intentionally violated the provision.

The determination of whether material is prohibited, restricted, or limited access shall be based on the content of the material and the intended use of the material, not on the protective actions of the technology protection measures. () The fact that the technology protection measures have not protected against access to certain material shall not create the presumption that such material is appropriate for students to access. The fact that the technology protection measures have blocked access to certain material shall not create the presumption that the material is inappropriate for students to access.

[END OF OPTION #2]

5. Unauthorized Use of Software or Other Intellectual Property from Any Source – All communications and information accessible via the Internet should be assumed to be private property (i.e., copyrighted and/or trademarked). Laws and ethics require proper handling of intellectual property. All copyright issues regarding software, information, and attributions/acknowledgement of authorship must be respected.

Software is intellectual property, and, with the exception of freeware, is illegal to use without legitimate license or permission from its creator or licensor. All software loaded on Academy computers must be approved by the Technology Director, and the Academy must own, maintain, and retain the licenses for all copyrighted software loaded on Academy computers. Students are prohibited from using Academy Technology Resources for the purpose of illegally copying another person's software. Illegal peer-to-peer file trafficking of copyrighted works is prohibited.

Online articles, blog posts, podcasts, videos, and wiki entries are also intellectual property. Students should treat information found electronically in the same way they treat information found in printed sources – i.e., properly citing sources of information and refraining from plagiarism. Rules against plagiarism will be enforced.

F. Transmission of any material in violation of any State or Federal law or regulation, or Board policy is prohibited.

G. Academy Technology Resources may not be used for private gain or commercial purposes (e.g., purchasing or offering for sale personal products or services by students), advertising, or political lobbying. () This provision shall not limit the use of Academy Technology Resources for the purpose of communicating with elected representatives or expressing views on political issues. **[This option is legally correct, but it need not be included.]**

H2. Use of ~~the Education Technology~~ Academy Technology Resources to engage in cyberbullying is prohibited. "'Cyberbullying" is ~~defined as~~ involves the use of information and communication technologies (~~such as e-mail, cell phone and pager text messages, instant messaging (IM), defamatory personal websites, and defamatory online personal polling websites~~), to support deliberate, repeated, and hostile behavior by an individual or group, ~~that which~~ is intended to harm others." [Bill Belsey (<http://www.cyberbullying.org>)] Cyberbullying may occur through e-mail, instant messaging (IM), chat room/Bash Boards, small text-messages (SMS), websites, voting booths.

Cyberbullying includes, but is not limited to the following:

- 1a. posting slurs or rumors or other disparaging remarks about a student on a website or on weblog;
- 2b. sending e-mail or instant messages that are mean or threatening, or so numerous as to negatively impact the victim's use of that method of communication and/or drive up the victim's cell phone bill;
- 3e. using or threatening to use a camera phone to take and send embarrassing and/or sexually explicit photographs/recordings of students;
- 4d. posting misleading or fake photographs of students on websites.

~~E. Transmission of any material in violation of any State or Federal law or regulation, or Board policy is prohibited.~~

~~F. Any use of the Education Technology for commercial purposes, advertising, or political lobbying is prohibited.~~

G. Students are expected to abide by the following generally-accepted rules of online etiquette:

1. Be polite, courteous, and respectful in your messages to others. Use language appropriate to school situations in any communications made through or utilizing Academy Technology Resources~~the Board's Education Technology~~. Do not use obscene, profane, lewd, vulgar, rude, inflammatory, sexually explicit, defamatory, threatening, ~~or abusive~~ or disrespectful language in ~~your messages~~communications made through or utilizing Academy Technology Resources.
2. Do not engage in personal attacks, including prejudicial or discriminatory attacks.
3. Do not harass another person. Harassment is persistently acting in a manner that distresses or annoys another person. If a student is told by a person to stop sending him/her messages, the student must stop.
4. Do not post information that, if acted upon, could cause damage or a danger of disruption.
52. Never reveal names, addresses, phone numbers, or passwords of yourself or other students, family members, teachers, administrators, or other staff members while communicating on the ~~Education Technology~~Internet. This prohibition includes, but is not limited to, disclosing personal identification information on commercial websites.
63. Do not transmit pictures or other information that could be used to establish your identity without prior approval of a teacher.

74. Never agree to get together with someone you "meet" on-line without prior parent approval and participation.

85. Check e-mail frequently and delete e-mail promptly. ~~(-) to avoid excessive use of the electronic mail disk space.~~

96. Students should promptly disclose to their_a teacher or other_school employeeadministrator any messages they receive that is_are inappropriate or makes them feel uncomfortable, especially any e-mail that contains sexually explicit content (e.g. pornography). Students should not delete such messages until instructed to do so by an administrator_staff member.

~~H. Use of Education Technology to access, process, distribute, display or print child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors is prohibited. As such, the following material is prohibited: material that appeals to a prurient interest in nudity, sex, and excretion; material that depicts, describes or represents in a patently offensive way with respect to what is suitable for minors an actual or simulated sexual act or sexual contact, actual or stimulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and material that lacks serious literary, artistic, political or scientific value as to minors. Offensive messages and pictures, inappropriate text files, or files dangerous to the integrity of the Board's computers/network (e.g., viruses) are also prohibited.~~

~~I. Malicious use of the Education Technology to develop programs that harass other users or infiltrate a computer or computer system and/or damage the software components of a computer or computing system is prohibited. Students may not engage in vandalism or use the Education Technology in such a way that would disrupt its use by others. Vandalism is defined as any malicious or intentional attempt to harm, steal or destroy data of another user, school networks, or technology hardware. This includes but is not limited to uploading or creation of computer viruses, installing unapproved software, changing equipment configurations, deliberately destroying or stealing hardware and its components, or seeking to circumvent or bypass Network security and/or the Board's technology protection measures. Students also must avoid intentionally wasting limited resources. Students must immediately notify the teacher, building principal, or _____ if they identify a possible security problem. Students should not go looking for security problems, because this may be construed as an unlawful attempt to gain access (hacking).~~

~~J. All communications and information accessible via the Internet should be assumed to be private property (i.e. copyrighted and/or trademarked). All copyright issues regarding software, information, and attributions of authorship must be respected.~~

~~JK.~~ Downloading of ~~information-files~~ onto Academy-owned equipment or contracted online educational services is prohibited, without prior approval from _____. If a student transfers files from information services and electronic bulletin board services, the student must check the file with a virus-detection program before opening the file for use. If a student transfers a file or installs a software program that infects the ~~Academy's Education Technology~~Academy's Technology Resources with a virus and causes damage, the student will be liable for any and all repair costs to make the ~~Education-Academy~~Technology Resources once again fully operational.

~~KL.~~ Students must secure prior approval from a teacher or the _____ before joining a Listserv (electronic mailing lists) and should not post personal messages on bulletin boards or "Listservs."

[CHOOSE OPTION #~~13~~ OR OPTION #~~24~~]

[] OPTION #~~13~~

L. Students are prohibited from accessing or participating in online "chat rooms" or other forms of direct electronic communication (e.g., instant messaging) (other than e-mail) without prior approval from a teacher or the _____. All such authorized communications must comply with these guidelines. Students may only use their school-assigned accounts/email addresses when accessing, using or participating in real-time electronic communications for education purposes.

[END OF OPTION #~~31~~]

[] OPTION #~~42~~

L. Students may use real-time electronic communication, such as chat or instant messaging, only under the direct supervision of a teacher or in moderated environments that have been established to support educational activities and have been approved by the Board, [] **School Leader (employed by the Board [] Educational Service Provider**, or building principal. Students may only use their Academy-assigned accounts/email addresses when accessing, using or participating in real-time electronic communications for education purposes.

[END OF OPTION #~~42~~]

[CHOOSE OPTION #5 OR OPTION #6]

[] OPTION #5

~~MN.~~ Privacy in communication over the Internet through the Academy's ~~Education Technology~~ computer network is not guaranteed. ~~To~~ In order to verify ensure compliance with these guidelines, the Board reserves the right to access monitor, review, and inspect any directories, files and/or messages residing on or sent using its Technology Resources ~~the Board's Education Technology~~. Messages relating to or in support of illegal activities will be reported to the appropriate authorities.

[END OF OPTION #5]

[] OPTION #6

~~M.~~ Users have no right or expectation to privacy when using the ~~Education Technology~~ Academy Technology Resources. The ~~School Board~~ reserves the right to access and inspect any facet of ~~the Education Technology~~ its Technology Resources, including, but not limited to, computers, laptops, tablets, ~~personal communication and other~~ devices, networks or Internet connections, online educational services, or apps, e-mail or other messaging or communication systems or any other electronic media within its technology systems or that otherwise constitutes its property and any data, information, e-mail, communication, transmission, upload, download, message or material of any nature or medium that may be contained therein. A student's use of Academy Technology Resources constitutes his/her waiver of any right to privacy in anything s/he creates, stores, sends, transmits, uploads, downloads or receives on or through the Technology Resources and related storage medium and equipment. Routine maintenance and monitoring, utilizing both technology monitoring systems and staff monitoring, may lead to discovery that a user has violated Board policy and/or the law. An individual search will be conducted if there is reasonable suspicion that a user has violated Board policy and/or law, or if requested by local, State or Federal law enforcement officials. Students' parents have the right to request to see the contents of their children's files, e-mails and records.

[END OF OPTION #6]

~~A student's use of the Education Technology constitutes his/her waiver of any right to privacy in anything s/he creates, stores, sends, transmits, uploads, downloads or receives on or through the Education Technology and related storage medium and equipment.~~

~~Routine maintenance and monitoring, utilizing both technical monitoring systems and staff monitoring, may lead to discovery that a user has violated Board policy and/or the law. An individual search will be conducted if there is reasonable suspicion that a user has violated Board policy and/or law, or if requested by local, State or Federal law enforcement officials. Students' parents have the right to request to see the contents of their children's files, e-mails and records.~~

N. The following notice will be included as part of the computer log-on screen:

[CHOOSE OPTION #A OR OPTION #B]

[] OPTION #A

"Academy Technology Resources (as defined in Bylaw 0100) are to be used for educational and professional purposes only. Users are reminded that all use of Academy Technology Resources, including Internet use, is monitored by the Academy and individual users have no expectation of privacy."

[END OF OPTION #A]

[] OPTION #B

NOTICE AND CONSENT FOR MONITORING

"Unauthorized or improper use of Academy Technology Resources (as defined in Bylaw 0100) is strictly prohibited. Use of Academy Technology Resources must comply with the Board's Technology Acceptable Use and Safety Policy/Agreement. Academy Technology Resources are provided only for communication, processing, and storage of school/education-related information and/or for authorized School use. Academy Technology Resources are subject to monitoring for all lawful purposes (e.g., to ensure its proper functioning and management, to protect against improper or unauthorized use or access, and to verify the presence or performance of applicable security features or procedures and operational security) and individual users have no expectation of privacy.

Monitoring includes active attacks by authorized employees and/or agents of the Academy to test or verify the security of the system. During monitoring, information may be examined, recorded, copied, and/or used for authorized purposes. All information, including personal information, placed on or sent over the system may be monitored. Such monitoring may result in the acquisition, recording, and/or analysis of all data communicated, transmitted, processed, or stored in this system by a user. Unauthorized or inappropriate use may subject you to disciplinary action and/or criminal prosecution. Evidence of unauthorized or improper use collected during monitoring may be used for administrative, criminal or other adverse action. Use of this computer system, authorized or unauthorized, constitutes consent to monitoring for these purposes."

[END OF OPTION #B]

- O. Use of the ~~Education Technology-Internet~~ and any information procured from the Internet is at the student's own risk. ~~The Board makes no warranties of any kind, either express or implied, that the functions or the services provided by or through Academy Technology Resources will be error-free or without defect, is not responsible for any damage a user suffers, including loss of data resulting from delays, non-deliveries, mis-deliveries, or service interruptions. The Board is not responsible for any damage a user may suffer, including, but not limited to, loss of data, service interruptions, or exposure to inappropriate material or people.~~ The Board is not responsible for the accuracy or quality of information obtained through ~~its services~~ the Internet. Information (including text, graphics, audio, video, etc.)

from Internet sources used in student papers, reports, and projects ~~should~~must be cited the same as references to printed materials. The Board is not to be responsible for financial obligations arising through the unauthorized use of its Technology Resources. Students or parents of students will indemnify and hold the Board harmless from any losses sustained as the result of a student's misuse of Academy Technology Resources.

P. Disclosure, use and/or dissemination of personally identifiable information of minors via the ~~Education Technology~~Internet is prohibited, except as expressly authorized by the minor student's parent/guardian on the "Student ~~Education Technology~~ Acceptable Use and Safety Agreement Form."

~~Q~~(). Proprietary rights in the design of web sites hosted on Board-owned or leased servers remains at all times with the Board.

R. File-sharing is strictly prohibited. Students are prohibited from downloading and/or installing file-sharing software or programs on Academy Technology Resources.

() Students may not use Academy Technology Resources to establish or access web-based email accounts on commercial services ~~through the Ed-Tech Network~~ (e.g., Gmail, ~~Hotmail~~Cloud, Outlook, Yahoo mail, etc.).

Students may not establish social media accounts on commercial services through the Ed-Tech (e.g., Facebook, Instagram, etc.)

I. Since there is no central authority on the Internet, each site is responsible for its own users. Complaints received from other sites regarding any of the Academy's users will be fully investigated and disciplinary action will be taken as appropriate.

~~HU~~. Preservation of Resources and Priorities of User: ~~Computer resources~~Academy Technology Resources are limited. () Because space on disk drives and bandwidth across the lines ~~which that~~ connect ~~the Academy's Ed-Tech~~ Academy Technology Resources (both internally and externally) are limited, either programs nor information may be stored on the system without the permission of the _____. **[NOTE: END OF OPTION]** Each student is permitted reasonable space to store email, web, and personal school-related files. The Board reserves the right to require the purging of files in order to regain disk space. Students who require access to ~~the Education Technology~~Academy Technology Resources for class- or instruction-related activities have priority over other users. Students not using ~~the Education Technology~~Academy Technology Resources for class-related activities may be "bumped" by any student requiring access for class- or instruction-related purpose. () The following hierarchy will prevail in governing access to ~~the Ed-Tech~~Academy Technology Resources:

1. class work, assigned and supervised by a staff member.
2. class work, specifically assigned but independently conducted.
3. Personal correspondence (e-mail-checking, composing, and sending).
4. Training (use of such programs as typing tutors, etc.).

5. Personal discovery (“surfing the Internet”).
6. Other uses—access to resources for “other uses” may be further limited during the school day at the discretion of the building principal or _____.

Game playing is not permitted unless under the supervision of a teacher.

~~Any individual who is aware of a violation of the Board policy or this guideline, including inappropriate on-line contact, content, or conduct, such as sexting, harassment or cyberbullying, should bring it to the attention of the school principal or School Leader immediately.~~

Abuse of Network Resources

~~Peer-to-peer file sharing, mass mailings, downloading of unauthorized games, videos, and music are wasteful of limited network resources and are forbidden. In addition, the acquisition and sharing of copyrighted materials is illegal and unethical.~~

Unauthorized Printing

~~Academy printers may only be used to print school-related documents and assignments. Printers, like other school resources, are to be used in a responsible manner. Ink cartridges and paper, along with printer repairs and replacement are very expensive. The Academy monitors printing by user. Print jobs deemed excessive and abusive of this privilege may result in charges being assessed to the student. Users are prohibited from replacing ink cartridges and performing any other service or repairs to printers. Users should ask, as appropriate, for assistance to clear paper that is jamming a printer.~~

~~Any questions and concerns regarding these guidelines may be directed to _____.~~

REVISED GUIDELINE – FALL 2017

STAFF ~~NETWORK AND INTERNET EDUCATION~~ TECHNOLOGY ACCEPTABLE USE AND SAFETY

Source P.L. 106-554, Children's Internet Protection Act of 2000
18 USC 1460
18 USC 2246
18 USC 2256
20 USC 6777, 9134 (2003)
20 USC 6801 et seq., Part F, Elementary and Secondary Education Act of 1965, as amended (2003)
47 USC 254(h), (1), Communications Act of 1934, as amended (2003)

~~Staff members are authorized to use the Academy's computers, laptops, tablets, personal communication devices (as defined by Policy 7530.02), network, and Internet connection and online educational services ("Education Technology" or "Ed-Tech") for educational and professional purposes only. Use of the Education Technology is a privilege, not a right. Staff members must conduct themselves in a responsible, efficient, ethical, and legal manner. Unauthorized or inappropriate use of the Ed-Tech, including any violation of these guidelines, may result in cancellation of the privilege, disciplinary action consistent with the applicable collective bargaining agreement and Board policy, and/or civil or criminal liability. Prior to accessing the Education Technology, staff members must sign the Staff Education Technology Acceptable Use and Safety Agreement. Staff members must complete a mandatory training session/program before accessing or using the Education Technology and/or being assigned an Academy email address.~~

Staff members shall use Academy Technology Resources (see definition Bylaw 0100) for educational and professional purposes only.

[] Academy Technology Resources (see definition Bylaw 0100) shall not be used for personal, non-work related purposes.

[] Academy Technology Resources (see definition Bylaw 0100) may be used for incidental personal, non-work related purposes that do not interfere with the employee's performance of his/her job responsibilities, do not result in direct costs to the Academy, do not affect other users, use of the resources for education and work related purposes, do not expose the Academy to unnecessary risks, or violate applicable Board of Directors policies, administrative guidelines, or law/regulations.

Use of Academy Technology Resources is a privilege, not a right. When using Academy Technology Resources, staff members must conduct themselves in a responsible, efficient, ethical, and legal manner. Staff members found to have engaged in unauthorized or inappropriate use of Academy Technology and/or Information Resources, including any violation of these guidelines, may have their privilege limited or revoked, and may face further disciplinary action consistent with the applicable collective bargaining agreement and Board policy, and/or civil or criminal liability. Prior to accessing or using Academy Technology and/or Information Resources, staff members must sign the Staff Technology Acceptable Use and Safety Agreement (Form 7540.04 F1). () Staff members must complete a mandatory training session/program before being permitted to access or use Academy Technology and/or Information Resources and/or being assigned a school e-mail address.

This guideline also governs staff members' use of their personal communication devices (PCDs) (as defined in Bylaw 0100) when they are connected to the Academy's Technology Resources, creating, using or transmitting Academy Information Resources, or when used

while the staff member is on Board-owned property or at a Board-sponsored activity. Staff are reminded that use of PCDs (including the sending of text messages) may generate a public record or an education record that needs to be maintained in accordance with the Board's record retention schedule and/or Federal and State law.

Smooth operation of the Board's Education Technology relies upon users adhering to the following guidelines. The guidelines outlined below are provided so that users are aware of their responsibilities. Below is a non-exhaustive list of unauthorized uses and prohibited behaviors. This guideline further provides a general overview of the responsibilities users assume when using Academy Technology and/or Information Resources.

A. Staff members are responsible for their behavior and communication on the Education Technology as well as the behavior and communication of any person who has used a device authorized for the sole use of the Staff member, whether or not the Staff member has permitted that person to use the Education Technology. All use of the Education Technology Academy Technology and/or Information Resources must be consistent with the educational mission and goals of the Academy.

B. Staff members may only access and use Academy Technology and/or Information Resources the Education Technology by using their assigned account and may only send Academy-related electronic communications using their Academy-assigned email addresses. Use of another person's account/e-mail address/password is prohibited. Use of Educational Technology to access or use private e-mail accounts (e.g., G-mail, Yahoo Mail). Staff members may not allow other users to utilize their account/e-mail address and should not share their password with other users passwords. Staff members are expected to take responsible for taking steps to prevent unauthorized access to their accounts by logging off or "locking" their computers/laptops/tablets/personal communication devices when leaving them unattended.

C. No user may have access to another's private files. Any attempt by users to access another user's or the Academy's non-public files, or phone or e-mail messages is considered theft. Any attempts to gain access to unauthorized resources or data/information either on the Academy's computer or telephone systems or any systems to which the Academy has access are prohibited. Similarly, staff Staff members may not intentionally seek information on, obtain copies of, or modify files, data or passwords belonging to other users or persons, or misrepresent other users on the Academy's network. Staff members may not intentionally disable any security features of the Education Technology.

D. Staff members may not intentionally disable any security features used on Academy Technology Resources.

ED. Staff members may not use Academy Technology Resources or their personal communication device the Education Technology to engage in vandalism, "hacking" or other unlawful-illegal activities (e.g., software pirating; intellectual property violations; engaging in slander, libel or harassment; threatening the life or safety of another; stalking; transmission of obscene materials or child pornography, including sexting; fraud; sale of illegal substances or goods).

1. Slander and libel - are terms defined specifically in law. Generally, In short slander is "oral communication of a statement of fact which is false

~~statements injurious to a person's reputation," in some material respect and is communicated to a third person by words or gestures and has a tendency to harm a person's reputation," and libel is "a false publication in writing, printing, or typewriting, or in signs or pictures that maliciously damages a person's reputation or the public." statement of fact which is false in some material respect and is communicated to a third person by printing, writing, signs, or pictures and has a tendency to harm a person's reputation." (M Civ. JI 118.01-118.02). Staff members shall not knowingly or recklessly post false or defamatory information about a person or organization. Staff members also shall not post information that they believe may be interpreted as being defamatory about a person or organization. (The American Heritage Dictionary of English Language Third Edition is licensed from Houghton Mifflin Company. Copyright © 1992 by Houghton Mifflin Company. All rights reserved.) Staff members shall not knowingly or recklessly post false or defamatory information about a person or organization. Staff members are reminded that material distributed over the Internet is "public" to a degree no other school publication or utterance is. As such, any remark may be seen by literally millions of people and harmful and false statements will be viewed in that light.~~

2. Staff members shall not use ~~the Education Technology Academy Technology Resources~~ to 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 or transgender identity, marital status, age, ~~height, weight~~, disability, religion, or political beliefs. Sending, sharing, viewing, or possessing pictures, images, text messages, e-mails, or other materials of a sexual nature (i.e. sexting) in electronic or any other form, including the contents of a personal communication device or other electronic equipment is grounds for discipline up to and including termination. Such actions will be reported to local law enforcement and child services as required by law.

3. ~~Vandalism and Hacking – Deliberate attempts to damage the hardware, software, or data/information residing in Academy Technology Resources or any computer system attached through the Internet is strictly prohibited. In particular, malicious use of Academy Technology Resources to develop programs that harass other users or infiltrate a computer/laptop/tablet or computer system and/or damage the software components of a computer or computing system is prohibited.~~

~~Attempts to violate the integrity of private accounts, files or programs, the deliberate infecting of the network or computers, laptops, tablets, etc., attached to the network with a "virus", attempts at hacking into any internal or external computer systems using any method will not be tolerated.~~

~~Staff members may not engage in vandalism or use Academy Technology Resources or their personal communication devices in such a way that would disrupt others' use of Academy technology resources.~~

~~Vandalism is defined as any malicious or intentional attempt to harm, steal, or destroy data of another user, school networks, or technology hardware. This includes but is not limited to uploading or creation of computer viruses.~~

installing unapproved software, changing equipment configurations, deliberately destroying or stealing hardware and its components, or seeking to circumvent or bypass network security and/or the Board's technology protection measures. Staff members also must avoid intentionally wasting limited resources. Staff members must immediately notify the Building Principal or _____ if they identify a possible security problem. Staff members should not go looking for security problems, because this may be construed as an unlawful attempt to gain access.

[CHOOSE OPTION #1 OR OPTION #2]

[] OPTION #1

4. Use of Academy Technology Resources to access, process, distribute, display or print child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors is prohibited. As such, the following material is prohibited: material that appeals to a prurient interest in nudity, sex, and excretion; material that depicts, describes or represents in a patently offensive way with respect to what is suitable for minors an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and material that lacks serious literary, artistic, political or scientific value as to minors. If a staff member inadvertently accesses material that is prohibited by this paragraph, s/he should immediately disclose the inadvertent access to the Building Principal or _____. This will protect the user against an allegation that s/he intentionally violated this provision.

[END OF OPTION #1]

[] OPTION # 2

4. Staff members shall not use Academy Technology Resources to access, process, distribute, display or print prohibited material at any time, for any purpose. Staff members may only access, process, distribute, display or print restricted material, and/or limited access material as authorized below.

a. Prohibited material includes material that constitutes child pornography and material that is obscene, objectionable, inappropriate and/or harmful to minors, as defined by the Children's Internet Protection Act. As such, the following material is prohibited: material that appeals to a prurient or unhealthy interest in nudity, sex, and excretion; material that depicts, describes, or represents in a patently offensive way with respect to what is suitable for minors an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and material that lacks serious literary, artistic, political or scientific value as to minors. Prohibited material also includes material that appeals to a prurient or unhealthy interest in, or depicts, describes, or represents in a patently offensive way, violence, death, or bodily functions; material designated as for "adults" only; and material that promotes or advocates illegal activities.

b. Restricted material may be accessed by staff members in the context of specific learning activities for legitimate research and professional development purposes. Materials that may arguably fall within the description provided for prohibited material that has clear educational relevance, such as material with literary, artistic, political, or scientific value, will be considered to be restricted. In addition, restricted material includes materials that promote or advocate the use of alcohol and tobacco, hate and discrimination, satanic and cult group membership, school cheating, and weapons. Sites that contain personal advertisements or facilitate making online connections with other people are restricted unless such sites have been specifically approved by the _____ . [NOTE: THIS PARAGRAPH CAN BE MODIFIED AS DESIRED BY THE ACADEMY.]

c. Limited access material is material that is generally considered to be non-educational or entertainment. Limited access material may be accessed in the context of specific learning activities or during non-work times. Limited access material includes such material as electronic commerce, games, jokes, recreation, entertainment, sports, and investment. [NOTE: THIS LAST SENTENCE CAN BE MODIFIED AS DESIRED BY THE ACADEMY.]

If a staff member inadvertently accesses material that is considered prohibited or restricted, s/he should immediately disclose the inadvertent access to the Building Principal or _____. This will protect the staff member against an allegation that s/he intentionally violated the provision.

The determination of whether material is prohibited, restricted, or limited access shall be based on the content of the material and the intended use of the material, not on the protective actions of the technology protection measures. () The fact that the technology protection measures have not protected against access to certain material shall not create the presumption that such material is appropriate for students to access. The fact that the technology protection measures have blocked access to certain material shall not create the presumption that the material is inappropriate for staff members to access.

[END OF OPTION #2]

5. Unauthorized Use of Software or Other Intellectual Property from Any Source – Laws and ethics require proper handling of intellectual property. Software is intellectual property, and, with the exception of freeware, is illegal to use without legitimate license or permission from its creator or licensor. All software loaded on Academy computers must be approved by the Director of Technology, and the Academy must own, maintain, and retain the licenses for all copyrighted software loaded on Academy computers. Staff members are prohibited from using Academy Technology Resources for the purpose of illegally copying another person's software. Illegal peer-to-peer file trafficking of copyrighted works is prohibited.

Online articles, blog posts, podcasts, videos, and wiki entries are also intellectual property. Staff members should treat information found electronically in the same way they treat information found in printed sources – i.e., properly citing sources of information and refraining from plagiarism.

FE. Transmission of any material in violation of any State or Federal law or regulation, or Board policy is prohibited.

GF. ~~Any use of the Education Technology for commercial purposes, advertising, or political lobbying is prohibited. Academy Technology Resources may not be used for private gain or commercial purposes (e.g., purchasing or offering for sale personal products or services by staff members), advertising, or political lobbying or campaigning is prohibited. [NOTE: THE BOARD COULD ALLOW LIMITED COMMERCIAL ACTIVITY BY STAFF MEMBERS; (e.g., sale of one (1) of a kind items on staff intranet)] () This provision shall not limit the use of Academy Technology Resources by staff members for the purpose of communicating with elected representatives or expressing views on political issues. [NOTE: This option is legally correct, but it need not be included.] () Staff members may use Academy Technology Resources for communication related to collective bargaining and union organizational activities. [NOTE: THIS OPTION IS SUBJECT TO BARGAINING.]~~

HG. Staff members are expected to abide by the following generally accepted rules of online etiquette:

1. Be polite, courteous, and respectful in your messages to others. Use language appropriate to school situations in any communications made through or utilizing Academy Technology Resources~~the Board's Education Technology. Do not use Refrain from using~~ obscene, profane, lewd, vulgar, rude, inflammatory, sexually explicit, defamatory, threatening, ~~or~~ abusive or disrespectful language in ~~your messages~~communications made through or utilizing Academy Technology Resources (including, but not limited to, public messages, private messages, and material posted on webpages).
2. Do not engage in personal attacks, including prejudicial or discriminatory attacks.
3. Do not harass another person. Harassment is persistently acting in a manner that distresses or annoys another person. If a staff member is told by a person to stop sending him/her messages, the staff member must stop.
4. Do not post information that, if acted upon, could cause damage or a danger of disruption.
5. Never reveal names, addresses, phone numbers, passwords or other personal information of students while communicating on the Education TechnologyInternet, unless there is prior written parental approval or it is otherwise permitted by Federal and/or State law.

H. ~~Use of the Education Technology to access, process, distribute, display or print pornography and other material which is obscene, objectionable, or inappropriate~~

~~is prohibited. As such, the following material are examples of what is prohibited: material that appeals to a prurient interest in nudity, sex and excretion; material that depicts, describes or represents in a patently offensive way with respect or what is suitable for minors an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals, and material that lacks serious literary, artistic, political or scientific value as to minors, materials that advocate violence or instruct in how to create or use weapons. Offensive messages and pictures, inappropriate text files, or files dangerous to the integrity of the Board's computers/network (e.g., viruses) are also prohibited.~~

~~I. Malicious use of the Education Technology to develop programs that harass other users or infiltrate a computer or computer system and/or damage the software components of a computer/laptop/tablet or computing system is prohibited. Staff members may not engage in vandalism or use the Education Technology in such a way that would disrupt its use by others. Vandalism is defined as any malicious or intentional attempt to harm, steal or destroy data of another user, school networks, or technology hardware. This includes but is not limited to uploading or creation of computer viruses, installing unapproved software, changing equipment configurations, deliberately destroying or stealing hardware and its components, or seeking to circumvent or bypass Network security and/or the Board's technology protection measures. Staff members also must avoid intentionally wasting limited resources. Staff members must immediately notify the building principal, or _____ if they identify a possible security problem. Staff members should not go looking for security problems, because this may be construed as an unlawful attempt to gain access.~~

~~J. All communications and information accessible via the Internet should be assumed to be private property (i.e, copyrighted and/or trademarked). All copyright issues regarding software, information, and attributions/acknowledgment of authorship must be respected.~~

~~JK. Saving or otherwise specifically downloading files, from the Internet or otherwise unauthorized places, onto the Academy-owned equipment or contracted online educational services is prohibited, without prior approval from _____. If a staff member transfers files from information authorized services, websites, and electronic bulletin board services, the staff member must check the file with a virus-detection program before opening the file for use. If a staff member transfers files from information services and electronic bulletin board services, the staff member must check the file with a virus-detection program before opening the file for use. Only public domain software may be downloaded. If a staff member transfers a file or installs a software program that infects Academy Technology Resources, a file or software program that infects the Education Technology with a virus and causes damage, the staff member will be liable for any and all repair costs to make the Education Technology once again fully operational.~~

[CHOOSE OPTION #3 OR OPTION #4]

[] OPTION #3

~~KL. Privacy in communication over the Internet and through the Academy's Education Technology computer network is not guaranteed. In order to verify compliance with~~

~~these guidelines, the Board reserves the right to access, To ensure compliance with these guidelines, the Board reserves the right to~~ monitor, review and inspect any directories, files and/or messages ~~residing stored~~ on or sent/received using ~~the Board's Educationits~~ Technology Resources. All Staff members should assume that all messages and communications are being monitored, reviewed, and inspected. Messages relating to or in support of illegal activities will be reported to the appropriate authorities.

END OF OPTION #3

~~Staff members have no right or expectation to privacy when using the Education Technology. The Academy reserves the right to access and inspect any facet of the Education Technology, including, but not limited to, computers, laptops, tablets, personal communication devices, networks or Internet connections, or online educational services, e-mail or other messaging or communication systems or any other electronic media within its technology systems or that otherwise constitutes its property and any data, information, e-mail, communication, transmission, upload, download, message or material of any nature or medium that may be contained therein.~~

~~A staff member's use of the Education Technology constitutes his/her waiver of any right to privacy in anything s/he creates, stores, sends, transmits, uploads, downloads or receives on or through the Education Technology and related storage medium and equipment. Routine maintenance and monitoring, utilizing both technical monitoring systems and staff monitoring, may lead to discovery that a staff member has violated Board policy and/or the law. All files and documents created and stored on Education Technology become the intellectual property of the School and Staff member waive any ownership or copyright to such.~~

~~An individual search will be conducted if there is reasonable suspicion that a staff member has violated Board policy and/or law, or if requested by local, State or Federal law enforcement officials.~~

~~Staff is reminded that their communications are subject to Michigan's public records laws and FERPA.~~

OPTION #4

K. Users have no right or expectation to privacy when using Academy Technology and/or Information Resources. The Board reserves the right to access and inspect any facet of its Technology and/or Information Resources, including, but not limited to, computers, laptops, tablets, and other web-enabled devices, networks or Internet connections or online educational services or apps, e-mail or other messaging or communication systems or any other electronic media within its technology systems or that otherwise constitutes its property and any data, information, e-mail, communication, transmission, upload, download, message or material of any nature or medium that may be contained therein. A staff member's use of Academy Technology and/or Information Resources constitutes his/her waiver of any right to privacy in anything s/he creates, stores, sends, transmits, uploads, downloads or receives on or through the Technology Resources and related storage medium and equipment. Routine maintenance and monitoring, utilizing both technology monitoring systems and staff monitoring, may lead to discovery that a staff member has violated Board policy and/or the law. An

individual search will be conducted if there is reasonable suspicion that a staff member has violated Board policy and/or law, or if requested by local, State or Federal law enforcement officials. Staff are reminded that their communications are subject to Michigan's public records laws and FERPA.

[END OF OPTION #4]

[CHOOSE OPTION #A OR OPTION #B]

The following Notice will be included as part of the computer log-on screen:

[] [OPTION #A]

"Academy Technology Resources (including computers, laptops, tablets, e-readers, cellular/mobile telephones, smartphones, other web-enabled devices, video and/or audio recording equipment, projectors, software and operating systems that work on any device, copy machines, printers and scanners, information storage devices (including mobile/portable storage devices such as external hard drives, CDs/DVDs, USB thumb drives and memory chips), the computer network, Internet connection, and online educational services and apps) are to be used for educational and professional purposes only. Users are reminded that all use of Academy Technology Resources, including Internet use, is monitored by the Academy and individual users have no expectation of privacy."

[END OF OPTION #A]

[] [OPTION #B]

NOTICE AND CONSENT FOR MONITORING

"Unauthorized or improper use of Academy Technology Resources is strictly prohibited. Use of Academy Technology Resources, including its computers, laptops, tablets, e-readers, cellular/mobile telephones, smartphones, other web-enabled devices, video and/or audio recording equipment, projectors, software and operating systems that work on any device, copy machines, printers and scanners, information storage devices (including mobile/portable storage devices such as external hard drivers, CDs/DVDs, USB thumb drives and memory chips), the computer network, and Internet connection, and online educational services and apps, must comply with the Board's Technology Acceptable Use and Safety Policy/Agreement. Academy Technology Resources are provided only for communication, processing, and storage of school/education related information and/or for authorized Academy use. Academy Technology Resources are subject to monitoring for all lawful purposes, (e.g., to ensure its proper functioning and management, to protect against improper or unauthorized use or access, and to verify the presence or performance of applicable security features or procedures and operational security) and individual users have no expectation of privacy.

Monitoring includes active attacks by authorized employees and/or agents of the Academy to test or verify the security of the system. During monitoring, information may be examined, recorded, copied, and/or used for authorized purposes. All information, including personal information, stored on or

transmitted through the system may be monitored. Such monitoring may result in the acquisition, recording, and/or analysis of all data communicated, transmitted, processed, or stored in this system by a user. Unauthorized or inappropriate use may subject you to disciplinary action and/or criminal prosecution. Evidence of unauthorized or improper use collected during monitoring may be used for administrative, criminal or other adverse action. Use of this computer system, authorized or unauthorized, constitutes consent to monitoring for these purposes."

[END OF OPTION #B]

LM. Use of the Internet and any information procured from the Internet is at the staff member's own risk. The Board makes no warranties of any kind, either express or implied, that the functions or the services provided by or through Academy Technology Resources~~the Ed-Tech~~ will be error-free or without defect. The Board is not responsible for any damage a user may suffer, suffers, including, but not limited to, loss of data , service interruptions, or exposure to inappropriate material or people,~~resulting from delays, non-deliveries, mis-deliveries, or service interruptions.~~ The Board is not responsible for the accuracy or quality of information obtained through ~~its services~~the Internet. Information (including text, graphics, audio, video, etc.) from Internet sources used in class ~~should~~must be cited the same as references to printed materials. The Board is not responsible for financial obligations arising through the unauthorized use of ~~the Ed-Tech~~its Technology Resources. Staff members will indemnify and hold the Board harmless from any losses sustained as the result of the staff member's misuse of the Academy Technology Resources~~Ed-Tech~~ by the staff member.

MA. Disclosure, use and/or dissemination of personally identifiable information of minors via the Internet is prohibited, except as expressly authorized by the minor student's parent/guardian on the "Student ~~Education-Technology and Internet~~ Acceptable Use and Safety Agreement Form."

[CHOOSE OPTION #5 OR OPTION #6]

[] [OPTION #5]

NO. Proprietary rights in the design of web sites/services/apps hosted on Board-owned or leased servers remains at all times with the Board without prior written authorization.

[END OF OPTION #5]

[] [OPTION #6]

N. Staff members own the copyright to works created outside the scope of their employment responsibilities and without the use of Board resources. Staff members may post such work on the Academy website to facilitate access by students and/or staff. Notice of such posting and claim of ownership must be provided to the Building Principal or _____ . By posting such work on the Academy's website, the staff member agrees to grant a non-exclusive license or permission for any staff or student within the Academy to freely use such work. The Board shall own the copyright on any works created by staff members within the scope of their employment responsibilities.

END OF OPTION #6

~~O. Staff members are reminded that student personally identifiable information is confidential and may not be disclosed without prior written parental permission.~~

P. File-sharing is strictly prohibited. Staff members are prohibited from downloading and/or installing file-sharing software of programs on Academy Technology Resources~~the Ed-Tech~~.

[] Staff members may not use Academy Technology Resources to establish or access web-based email accounts on commercial services ~~through the Ed-Tech~~ (e.g., Gmail, ~~Hotmail~~Cloud, Yahoo mail, etc.).

Staff members may not use Academy Technology Resources to establish or access social media accounts on commercial services ~~through the Ed-Tech~~ (e.g., Facebook, Instagram, etc.)

Q. Since there is no central authority on the Internet, each site is responsible for its own users. Complaints received from other sites regarding any of the Academy's users will be fully investigated and disciplinary action will be taken as appropriate.

R. Preservation of Resources: Academy Technology Resources~~Computer resources~~ are limited. () Because space on disk drives and bandwidth across the wires that lines which connect the Academy Technology Resources~~Academy's Ed-Tech~~ (both internally and externally) are limited, neither programs nor information may be stored on the system without the permission of the _____.
[NOTE: END OF OPTION] Each staff member is permitted reasonable space to store email, web, and personal school/work related files. The Board reserves the right to require the purging of files in order to regain disk space.

[] Staff members are () required () encouraged to limit student exposure to commercial advertising and product promotion when selecting/developing the Academy or classroom websites/services/apps or giving other assignments that utilize the Internet. Under all circumstances, staff members must comply with the Children's Online Privacy Protection Act of 1998 (COPPA), 15 U.S.C. § § 6501-6506.

1. Websites with extensive commercial advertising may be included on the Academy or classroom websites/services/apps or designated as a required or recommended site only if there is a compelling educational reason for such selection.

2. Staff members may make use of high-quality, unbiased online educational materials that have been produced with corporate sponsorship. Staff members may not make use of educational materials that have been developed primarily for the purpose of promoting a company and/or its products or services.

~~Staff members are reminded that personally identifiable student information is confidential and may not be disclosed without prior written parental permission.~~

~~Any individual who is aware of a violation of the Board policy or this guideline, including inappropriate on-line contact, content or conduct, such as sexting, harassment or cyberbullying, should bring it to the attention of the School Leader immediately.~~

Abuse of Network Resources

Peer-to-peer file sharing, mass mailings, downloading of unauthorized games, videos, and music are wasteful of limited network resources and are forbidden. In addition, the acquisition and sharing of copyrighted materials is illegal and unethical.

Unauthorized Printing

Academy printers may only be used to print school/work-related documents. Printers, like other school resources, are to be used in a responsible manner. Ink cartridges and paper, along with printer repairs and replacement are very expensive. The Academy monitors printing by user. Print jobs deemed excessive and abusive of this privilege may result in charges being assessed to the staff member.

Any questions and concerns regarding these guidelines may be directed to _____.

REVISED GUIDELINE – FALL 2017

PROPER USE OF ACADEMY-ISSUED STAFF E-MAIL ACCOUNT

Depending on the content of an e-mail message, it may be a public record or an **educational education** record that needs to be maintained by the School in accordance with Policy 8310 – Public Records or Policy 8330 – Student Records, and made available for inspection and/or copying upon request by a member of the public, or a parent or student age eighteen (18) or older. In addition, an e-mail may constitute electronically stored information (**ESI**) that is subject to a ~~Litigation~~ **litigation** Hold pursuant to Policy 8315 – Information Management. The following procedures are established so that the School's e-mail and Internet capabilities are not compromised, and e-mail messages are maintained in accordance with State and Federal law.

OPERATIONAL CONSIDERATIONS:

A. Types of E-Mail Prohibited

1. General Rule: Do not put anything in an e-mail that you would not put on School letterhead.
 - () Do not send e-mails of _____ [ex. 10] mb or more. (For example, this would most likely be the following: multiple attachments on one (1) e-mail, pictures, Powerpoint presentations, Adobe files, jpg images, etc.)
 - () Do not use the School's e-mail system to send announcements such as the following:
 - () parties,
 - () retirements,
 - () deaths, or
 - () items for sale
 - () _____
 - () Such items may be posted on _____ [School's Intranet – give specific location; e.g., General Staff Bulletin Board].
 - () Do not forward or start e-mails with the following:
 - () jokes,
 - () pictures, or
 - () similar fun forwards intended to amuse the reader
 - () _____

() Do not subscribe to the following through your School e-mail account:

- () daily jokes,
- () daily horoscopes,
- () daily recipes,
- () vacation information, or
- () similar items of information or amusement.
- () _____

Please use your own personal e-mail account for such items.

- () Do not respond to chain letters via your School e-mail account. These letters often come from outside sources, which increase the risk of e-mail based virus infection. Such e-mails multiply exponentially, and cost the School in terms of time, money and resources.
- () Do not use your School e-mail account to communicate with friends and family throughout the work day, except in case of emergency and when they cannot be reached by telephone.

B. Proper Use of the Distribution Lists in the School's Global Address Book

1. When using a School-wide or building-wide distribution list, all members of that group should be intended targets. Distribution lists are only to be used when it is necessary to convey information to every member of a group. This includes all distribution lists.
2. It is your responsibility to know to whom your information will be sent if you choose to utilize a School-wide or building-wide distribution list. Descriptions of the groups are located on the School's Intranet at _____ [provide web address].

C. Use of Rule Generated Messages

If you are going to activate "out of the office" rules on your School e-mail account, you must follow the directions on the School Intranet at _____ [provide web address]. () If you fail to follow the directions and that failure results in an Internet e-mail loop, you will be subject to possible suspension of e-mail privileges and/or discipline in accordance with Board policy.

~~**D. High-Priority Messages**~~

- ~~1. High-priority e-mails are only to be used in EMERGENCY situations! Other use is not permissible.~~
- ~~2. BE AWARE that marking your e-mails high priority to create the "red" envelope just increases the load on the School's e-mail server and stops all other processes while the message is being delivered. If you want your e-mail~~

~~envelope to be a different color, choose low priority and it will create a~~
~~_____ (insert color of envelope) envelope.~~
E-D. _____ Signature Blocks

1. E-mail messages from employees must contain the following signature block:

Employee's Name
Position/Title
Building; Address; Phone Number

CONFIDENTIALITY/PRIVACY NOTICE: This e-mail message, including any attachment, is for the sole use of the intended recipient(s) and may contain confidential and/or privileged information as defined by State and Federal laws, including, but not limited to, student personally identifiable information. Such information is intended only for the use of the individual or entity named above. If you are not the intended recipient or an agent of the intended recipient, you are hereby notified that you received this message in error and any review, disclosure, copying, printing, distribution, dissemination, or the taking of any action in reliance on the contents of the information contained herein is strictly prohibited. If you receive-received this e-mail message in error, please immediately notify me-the sender by return e-mail () by telephone at _____, and immediately and permanently to arrange for the return of the original document to me. Please also delete the message-original from your computer and destroy all copies of this communication. Thank you.

PLEASE NOTE: This e-mail message, and any response to it, () may () shall be archived for later retrieval and is subject to retention, disclosure, and disposal in accordance with Board Policy and State law.

2. Employees' signature blocks may not include quotes, regardless of the source (e.g., no quotes from famous historical figures, Biblical figures, or anyone else).

PUBLIC RECORD CONSIDERATIONS:

E-mail messages that are kept by the School and that serve to document the organization, functions, policies, decisions, procedures, operations, or other activities of the School are public records, unless they meet one of the statutory exceptions, and must be maintained in accordance with the Board's Records Retention Policy and made available for inspection and/or copying by the public. The length of retention of an e-mail message is dependent upon its content and the purpose it serves. The content, transactional information, and any attachments associated with an e-mail message are considered a record if they meet the statutory criteria.

Any document, including e-mail messages, which are responsive to a pending Freedom of Information Act request, must be retained.

For the purposes of this guideline, there are four (4) categories of e-mail retention: non-record messages, transitory messages, intermediate messages, and permanent messages.

A. Categories of E-mail

1. Non-Record Materials

E-mail messages that do not meet the criteria definition of a public record under the Michigan statutes may be deleted at any time, unless they become part of some official record as a result of special circumstances or must be preserved pursuant to Policy 8315 – "Information Management" and AG 8315 – "Litigation Hold Procedure." These types of messages may include:

a. Personal Correspondence

Any e-mail not received or created in the course of School business, may be deleted immediately, since it is not an official record: the "Let's do lunch" (not a School-business lunch) or "Can I catch a ride home" type of note.

b. Non-School Publications

Publications, promotional material from vendors, and similar materials that are "publicly available" to anyone, are not official records unless specifically incorporated into other official records. In the electronic world, this includes listserv messages (other than those you post in your official capacity), unsolicited promotional material ("spam"), files copied or downloaded from Internet sites, etc.

These items may be immediately deleted, or maintained in a "Non-Record" mail box and deleted later, just as you might trash the unwanted publication or promotional flyer.

However, for example, if you justify the purchase of a "Zippo Filing System" by incorporating the reviews you saved (from the "Files R Us Listserv") in your proposal to your supervisor, those listserv messages become official records and must be retained in accordance with the retention schedule for purchasing proposals.

2. Official Records – Retain As Required

E-mail messages that meet the definition of a public record under the Michigan statutes are official records and must be scheduled, retained and disposed of as such. These official records fall into the following categories:

a. Transient Retention

Much of the communication sent via e-mail has a very limited administrative value. For instance, an e-mail message notifying employees of an upcoming meeting would only have value until the meeting has been attended or the employee receiving the message has marked the date and time in his/her calendar.

Transitory messages do not set policy, establish guidelines or procedures, certify a transaction or become a receipt. The

informal tone of transitory messages might be compared to a communication that might take place during a telephone conversation or conversation in an office hallway. Transient documents include telephone messages, drafts and other limited documents that serve to convey information of temporary importance in lieu of oral communication. Transient documents should be retained in accordance with the Board's Records Retention Policy and the Board's Information Management Policy.

b. Intermediate Retention

E-mail messages that have more significant administrative, legal and/or fiscal value but are not scheduled as transient or permanent should be categorized under other appropriate record series. These may include (but are not limited to):

- 1) General Correspondence: Includes internal correspondence (letters, memos); also, correspondence from various individuals, companies, and organizations requesting information pertaining to the School and legal interpretations and other miscellaneous inquiries. This correspondence is informative (it does not attempt to influence Board/School policy).

Retention: (See Records Retention Policy; ex. one (1) year, then destroy).

- 2) Routine Correspondence: Referral letters, requests for routine information, or publications provided to the School, which are answered by standard form letters.

Retention: (See Records Retention Policy; ex. six (6) months, then destroy.)

- 3) Monthly and Weekly Reports: Document status of on-going projects and issues; advise supervisors of various events and issues.

Retention: (See Records Retention Policy and Information Management Policy).

- 4) Minutes of Staff Meetings: Minutes and supporting records documenting internal policy decisions.

Retention: (See Records Retention Policy and Information Management Policy).

c. Permanent Retention

E-mail messages that have significant administrative, legal and/or fiscal value and are scheduled as permanent also should be categorized under the appropriate record series. These may include (but are not limited to):

- 1) Executive Correspondence: Correspondence from the School Leader, Treasurer, or other administrator that deals with significant aspects of the administration of their offices/buildings. Correspondence includes information concerning Board/School policies/guidelines, program, fiscal and personnel matters.

Retention: (See Records Retention Policy; and Information Management Policy).

- 2) Departmental/Building Policies and Procedures: Includes published reports, unpublished substantive reports and policy studies.

Retention: (See Records Retention Policy and Information Policy).

Not all e-mail messages will fall into these record series. For more suggested retention periods, consult the Board's Records Retention Policy.

B. Mailbox Management

Guidelines and Best Practices for Managing E-Mail

1. Record Copy E-Mail

E-mail users should be aware that e-mail messages are often widely distributed to a number of recipients. Determining which individual maintains the record copy of the message, i.e., the original message that must be retained per the retention schedule, is vital to e-mail management. If the holder of the record copy is not identified and aware of his/her responsibility, the School may find that no one retains the message or that everyone retains the message. Neither of these scenarios is appropriate.

For example, Board/School policy/guidelines documents that are transmitted to multiple recipients via an e-mail system need not be maintained by each recipient beyond his/her need for this information if record copy responsibility is established so that the record is maintained by some office, employee or agent for its established retention period. In this example, a logical record copy responsibility rests with the creator or original distributor of the policy/guideline document. Prompt deletion of duplicate copies of e-mail messages from an e-mail system makes the system as a whole much easier to manage and reduces disk space consumed by redundant information.

Generally speaking, the individual who sends an e-mail message should maintain the record copy of the message. However, the varied uses and wide distribution of e-mail may result in many exceptions to this rule that will have to be dealt with internally.

2. Filing

Non-transitory e-mail messages should be filed in a way that enhances their accessibility and that facilitates records management tasks. The IT staff will advise users on the set up or modifying of e-mail systems to facilitate records management and appropriate filing systems. Procedures and systems configurations may vary according to the building's/users' needs and the particular hardware and software in use.

In addition to the IN and OUT boxes that come with your mail account, you usually have the option of creating other "mailboxes" or "folders". After brief periods in your IN-OUT boxes, messages should be transferred to other boxes, based on business and retention requirements.

Employees should be responsible for classifying messages they send or receive according to content, the School's folder/directory structure, and established records series.

3. Distribution Lists

If you send to a "distribution list" (not a listserv, but a specified list of individuals), you must also keep a copy of the members of that list for as long as you are required to keep the message itself. It is of little value to know that the "Security Alert!" notice went to "Building Principals", without knowing whether Arnold S. received the message. Nicknames present a similar problem.

4. Subject Lines

Fill in the subject line on your e-mail both to help your recipient identify and file messages, and to help you file your OUT box messages that must be retained for some period. Subject lines should be as descriptive as possible.

The following are some examples of poor and good subject lines for the same message:

Poor, confusing subject lines

"helpful info"
"report"
"minutes"
"important"
"today"
"news"

Better, descriptive subject lines

"contact info"
"quarterly financial report"
"Jan ~~99~~2016 Board minutes"
"revised admin. procedures"
"lunch plans today?"
"new agency head appointed"

C. Mailbox Maintenance and Cleanup

1. Each e-mail user is responsible for keeping his/her e-mail account at a manageable size.

~~2.~~ () The maximum permissible total storage size for each user shall be _____.

3. If you do not maintain your mailbox and permit its size to grow beyond the recommended levels, your mailbox could become corrupt. The School's staff is not responsible if the mailbox cannot be recovered do to lack of user maintenance.

4. Your School e-mail account is not meant to be a storage folder. Before developing your personal mailbox maintenance and cleanup procedure, you must review the School's Public Records Policy, Information Management Policy, and any accompanying administrative guidelines to these policies. Any questions regarding these policies should be directed to the School Leader.

5. If you want to retain all e-mail items with your work records, you must implement a storage solution outside your e-mail account. Such records shall continue to be the Board's property and may not be removed from the Board's premises for any reasons. () Solutions are available to you on the School Intranet at _____ [provide web address].

NEW GUIDELINE – FALL 2017 **STUDENTS' PROPER USE OF ACADEMY-ISSUED E-MAIL ACCOUNT**

Students assigned a school e-mail account are required to utilize it for all school-related electronic communications, including those to staff members and individuals and/or organizations outside the Academy with whom they are communicating for school-related projects and assignments. Further, as directed and authorized by their teachers, students shall use their school-assigned e-mail account when signing-up/registering for access to various online educational services, including mobile applications/apps that will be utilized by the student for educational purposes. All use of their Academy-issued e-mail account must be for educational/school-related purposes. () Use of a Academy-issued e-mail account for personal purposes is prohibited.

E-mail sent through the Academy's network and using the Academy's e-mail system/provider may be retained indefinitely and is subject to monitoring as set forth in Board Policy 7540.03.

The following procedures are established so that the Academy's e-mail and Internet capabilities are not compromised, and e-mail messages are maintained in accordance with State and Federal law.

OPERATIONAL CONSIDERATIONS:

A. Types of E-Mail Prohibited

1. **General Rule: Do not put anything in an e-mail that you would not want seen on the front-page of the local newspaper.**
- () **Do not send e-mails of _____ [ex. 10] mb or more. (For example, this would most likely be the following: multiple attachments on one (1) e-mail, pictures, Powerpoint presentations, Adobe files, jpg images, etc.)**
- () **Do not use the Academy's e-mail system to send announcements such as the following:**
 - () **parties**
 - () **items for sale**
 - () _____
 - () **Such items may be posted on _____ [Academy's Intranet – give specific location; e.g., General Staff Bulletin Board].**
- () **Do not forward or start e-mails with the following:**
 - () **jokes**

- () pictures
- () similar fun forwards intended to amuse the reader
- () _____
- () Do not subscribe to the following through your Academy e-mail account:
 - () daily jokes
 - () daily horoscopes
 - () daily recipes
 - () vacation information
 - () similar items of information or amusement.
 - () _____

Please use your own personal e-mail account for such items.

- () Do not respond to chain letters via your Academy e-mail account. These letters often come from outside sources, which increase the risk of e-mail based virus infection. Such e-mails multiply exponentially, and cost the Academy in terms of time, money and resources.
- () Do not use your Academy e-mail account to communicate with friends and family throughout the school day, except in case of emergency and when they cannot be reached by telephone.

B. Proper Use of the Distribution Lists in the Academy's Global Address Book

1. Generally, students should address their e-mails to a specific person(s).
2. When using a class/club/athletic team/organization-wide distribution list, all members of the class/club/athletic team/organization should be intended targets. Distribution lists are only to be used when it is necessary to convey information to every member of a group. This includes all distribution lists.
3. It is your responsibility to know to whom your information will be sent if you choose to utilize a class/club/athletic team/organization-wide distribution list. Descriptions of the groups are located on the Academy's Intranet at _____ [provide web address].

C. Signature Blocks

E-mail messages from students must contain the following signature block:

Student's Name

Grade

Building

NOTICE: This e-mail message is from a student in _____ Academy and it is intended for educationally-related purposes only. If you are not the intended recipient, you are hereby notified that you received this message in error and any review, disclosure, copying, printing, distribution, dissemination, or the taking of any action in reliance on the contents of the information contained herein is strictly prohibited. If you received this e-mail message in error, please notify the sender by return e-mail, and immediately and permanently delete the original from your computer and destroy all copies of this communication. Thank you.

Additionally, this e-mail message, and any response to it, () may () shall be archived for later retrieval. Further, the Academy reserves the right to monitor all e-mail transmitted through its e-mail system and the individual student has no expectation of privacy of e-mails sent or received. Lastly, the student's e-mails are subject to retention, disclosure, and disposal in accordance with Board Policy and State law.

D. Mailbox Management/Maintenance/Cleanup

1. Subject Lines

Fill in the subject line on your e-mail both to help your recipient identify the purpose of the message. Subject lines should be as descriptive as possible.

The following are some examples of poor and good subject lines for the same message:

Poor, confusing subject lines

Better, descriptive subject lines

"helpful info"

"contact info"

"report"

"English paper re: _____"

"help"

"Can we meet to discuss tomorrow's test"

“important”

“Today’s meeting of the Chess Club is canceled”

“today?”

“Do you want to sit together at lunch today?”

“news”

“English exam rescheduled until next week”

2. Each e-mail user is responsible for keeping his/her e-mail account at a manageable size.
 - () The maximum permissible total storage size for each user shall be _____.
4. If you do not maintain your mailbox and permit its size to grow beyond the recommended levels, your mailbox could become corrupt. The Academy’s staff is not responsible if the mailbox cannot be recovered do to lack of user maintenance.
5. Your Academy e-mail account is not meant to be a storage folder.

Administrative Guideline Forms

NEW FORM – FALL 2017

CHECKLIST TO BE USED WHEN CONSIDERING SUSPENSION OR EXPULSION OF A STUDENT

Factors Considered Before Suspending or Expelling a Student for All Circumstances Other Than Possession of a Firearm in a Weapon Free School Zone

The Academy considered the following factors before suspending or expelling [insert name of student]_____:

- the student's age

Findings:

- the student's disciplinary history

Findings:

- whether the student has a disability

Findings:

- the seriousness of the violation or behavior

Findings:

- whether the violation or behavior committed by the student threatened the safety of any student or staff member

Findings:

- whether restorative practices will be used to address the violation or behavior

Findings:

- whether a lesser intervention would properly address the violation or behavior

Findings:

In considering the above factors, the Academy has exercised discretion over whether to suspend or expel the student.

Additional Factors Considered Before Suspending or Expelling a Student For Possession of a Dangerous Weapon, Including Possession of a Firearm in a Weapon Free School Zone

The Academy considered whether the student established in a clear and convincing manner the following factors, as applicable, and determined as follows:

- the object or instrument was not possessed for use as a weapon, or for direct or indirect delivery to another person for use as a weapon;

Findings:

- the weapon was not knowingly possessed;

Findings:

- the student did not know or have reason to know that the object or instrument possessed constituted a dangerous weapon; or

Findings:

- the weapon was possessed at the suggestion, request, or direction of, or with the express permission of a Academy administrator or the police.

Findings:

The Academy also determined and considered whether the student has a previous history of suspension or expulsion:

Findings:

Recommendations/Final Decisions

After consideration of all of the above factors that are pertinent to the circumstances giving rise to consideration of whether to suspend or expel the student, the Academy determined as follows:

Recommendation or final decision of the building administrator, as applicable:

Date: _____

Recommendation or final decision of the School Leader, as applicable:

Date: _____

Final decision of the Board, as applicable:

Date: _____

REPLACEMENT FORM – FALL 2017

STUDENT TECHNOLOGY ACCEPTABLE USE AND SAFETY AGREEMENT

To access and use Academy Technology Resources (see definition in Bylaw 0100), including a school-assigned e-mail account and/or the Internet at school, students under the age of eighteen (18) must obtain parent permission and sign and return this form. Students eighteen (18) and over may sign their own forms.

Use of Academy Technology Resources is a privilege, not a right. The Board of Director's Technology Resources, including its computer network, Internet connection and online educational services/apps, are provided for educational purposes only. Unauthorized and inappropriate use will result in loss of this privilege and/or other disciplinary action.

The Board has implemented technology protection measures that protect against (e.g., block/filter) Internet access to visual displays/depictions/materials that are obscene, constitute child pornography, or are harmful to minors. The Board also monitors online activity of students in an effort to restrict access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors. Nevertheless, parents/guardians are advised that determined users may be able to gain access to information, communication, and/or services on the Internet that the Board has not authorized for educational purposes and/or that they and/or their parents/guardians may find inappropriate, offensive, objectionable or controversial. Students using Academy Technology Resources are personally responsible and liable, both civilly and criminally, for unauthorized or inappropriate use of the Resources.

The Board has the right, at any time, to access, monitor, review and inspect any directories, files and/or messages residing on or sent using Academy Technology Resources. Messages relating to or in support of illegal activities will be reported to the appropriate authorities. Individual users have no expectation of privacy related to their use of District Technology Resources.

Please complete the following information:

Student User's Full Name (please print): _____

School: _____ Grade: _____

Parent/Guardian's Name: _____

Parent/Guardian

As the parent/guardian of this student, I have read the Student Technology Acceptable Use and Safety Policy and Guidelines, and have discussed them with my child. I understand that student access to the Internet is designed for educational purposes and that the Board has taken available precautions to restrict and/or control student access to material on the Internet that is obscene, objectionable, inappropriate and/or harmful to minors. However, I recognize that it is impossible for the Board to restrict access to all objectionable and/or controversial materials that may be found on the Internet. I will not hold the Board (or any of its employees, administrators or officers) responsible for materials my child may acquire or come in contact

with while on the Internet. Additionally, I accept responsibility for communicating to my child guidance concerning his/her acceptable use of the Internet - i.e., setting and conveying standards for my daughter/son to follow when selecting, sharing and exploring information and resources on the Internet. I further understand that individuals and families may be liable for violations.

Please check each that applies:

- I give permission for the Board to issue an e-mail account to my child.
- I give permission for my child's image (photograph) to be published online, provided only his/her first name is used.
- I give permission for the Board to transmit "live" images of my child (as part of a group) over the Internet via a web cam.
- I authorize and license the Board to post my child's class work on the Internet without infringing upon any copyright my child may own with respect to such class work. I understand only my child's first name will accompany such class work.

Parent/Guardian's Signature: _____

Date: _____

Student

I have read and agree to abide by the Student Technology Acceptable Use and Safety Policy and Guidelines. I understand that any violation of the terms and conditions set forth in the Policy and Guidelines is inappropriate and may constitute a criminal offense and/or may result in disciplinary action. As a user of Academy Technology Resources, I agree to communicate over the Internet and through the Technology Resources in an appropriate manner, honoring all relevant laws, restrictions and guidelines.

Student's Signature: _____

Date: _____

Teachers and building principals are responsible for determining what is unauthorized or inappropriate use. The principal may deny, revoke or suspend access to and use of the Technology Resources to individuals who violate the Board's Student Technology Acceptable Use and Safety Policy and related Guidelines, and take such other disciplinary action as is appropriate pursuant to the Student Code of Conduct.

REPLACEMENT FORM – FALL 2017

STAFF TECHNOLOGY ACCEPTABLE USE AND SAFETY AGREEMENT

To access and use Academy Technology and Information Resources, including a school-assigned e-mail account and/or the Internet at school, staff members must sign and return this form.

Use of Academy Technology Resources is a privilege, not a right. The Board of Director's Technology Resources, including its computer network, Internet connection and online educational services/apps, are provided for business, professional and educational purposes only. Unauthorized or inappropriate use may result in loss of this privilege and/or other disciplinary action.

The Board has implemented technology protection measures that protect against (e.g., block/filter) Internet access to visual displays/depictions/materials that are obscene, constitute child pornography, or are harmful to minors. The Board also monitors online activity of staff members in an effort to restrict access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors.

Staff members using Academy Technology Resources are personally responsible and liable, both civilly and criminally, for unauthorized or inappropriate use of the Resources.

The Board reserves the right, at any time, to access, monitor, review and inspect any directories, files and/or messages residing on or sent using Academy Technology Resources. Messages relating to or in support of illegal activities will be reported to the appropriate authorities.

Please complete the following information:

Staff Member's Full Name (please print): _____

School: _____

I have read and agree to abide by the Staff Technology Acceptable Use and Safety Policy and Guidelines. I understand that any violation of the terms and conditions set forth in the Policy and/or Guidelines is inappropriate and may constitute a criminal offense. As a user of Academy Technology Resources, I agree to communicate over the Internet and the computer network in an appropriate manner, honoring all relevant laws, restrictions and guidelines. I understand that individual users have no expectation of privacy related to their use of Academy Technology Resources.

Staff Member's Signature: _____
Date: _____

The School Leader is responsible for determining what is unauthorized or inappropriate use. The School Leader may deny, revoke or suspend access to and use of the Technology Resources to individuals who violate the Board's Staff Technology Acceptable Use and Safety Policy and related Guidelines and take such other disciplinary action as is appropriate pursuant to the applicable collective bargaining agreement, State law and/or Board Policy.

ACADEMY NAME
COUNTY OF _____, MICHIGAN

At a regular meeting of the members of the Board of Directors (the "Board") of _____, County of _____, Michigan (the "Academy") held in _____ on _____.

PRESENT: _____

ABSENT: _____

The following preamble and resolution were offered by Member _____, and supported by Member _____,

RESOLUTION APPROVING ESP ACCESS TO CHRI

WHEREAS, the Board has a statutory obligation to conduct criminal background checks on employees and contractors and also has obligations to protect the confidentiality of the criminal history records information ("CHRI"), including limiting access to the CHRI;

WHEREAS, the Board has determined that it is in the Academy's best interests to allow its Educational Service Provider ("ESP") _____ access to the CHRI results for purposes of determining an individual's qualifications for employment as described in this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of _____:

1. The Local Agency Security Officer ("LASO") may provide ESP employees view only access to CHRI if such access is needed by ESP personnel to review the results for determining an individual's qualifications for employment.

2. Such access may only be provided after the LASO and the designated ESP personnel receive required training and may only be provided if the prospective employee signs a waiver stating that his/her CHRI result may be shared with ESP personnel.

3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be, and the same hereby are, rescinded.

ADOPTED this ____ day of _____, 2017.

YEAS: _____

NAYS: _____