



**BOARD OF EDUCATION  
REGULAR MEETING**

December 11, 2017 — 7:00 p.m.  
Whitmore Lake High School Media Center



# WHITMORE LAKE PUBLIC SCHOOLS BOARD OF EDUCATION

## Mission Statement

*Partnering with students, parents, and the community to  
provide exceptional, personalized education.*

### REGULAR MEETING

Monday, December 11, 2017 – 7:00 p.m.

Whitmore Lake High School Media Center  
7430 Whitmore Lake Rd.  
Whitmore Lake, MI 48189

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### BOARD OF EDUCATION ROLL CALL

### APPROVAL OF AGENDA

### CALL TO THE PUBLIC

“The meeting is a meeting of the Board of Education in public for the purpose of conducting the School District’s business and is not to be considered a public community meeting. There is a time for public participation during the meeting as indicated in the agenda.”

### SPECIAL PRESENTATION

A Representative from Michigan Association of School Boards will present an overview of how they develop strategic planning.

### BOARD CLARIFICATION

### STUDENT COUNCIL

Karolyn Wagner will present the student council report.

### CONSENT ITEMS

Approval of minutes from October 23, 2017 Board of Education Regular meeting, and the November 13, 2017 Board of Education Regular meeting. **(Attachment 1)**

Approve fund transfer of \$257,096 in payments from Accounts Payable as per attachment 2; further, to approve the transfer of \$431,420 from Accounts Payable to cover the payrolls of November 15, 2017, and November 30, 2017. **(Attachment 2)**

### OLD BUSINESS

#### NEOLA

NEOLA Policies 1421, 3121, 4121 & 8142 – Criminal History Record Check, 1439 – Administrator Discipline, 2410 – Prohibition of Referral or Assistance, 2414 – Reproductive Health and Family Planning, 3139 & 4139 – Staff Discipline, 5630.01 - Student Seclusion and Restraint, and 8321 - Criminal Justice Information Security regarding Updates and Revisions second reading **(Attachment 3)**. Approval is recommended

**NEW BUSINESS**  
*2018 Schedule of Meetings*

*2017-2018 Budget Amendment*

*2017-2018 Amended Budget Resolution*

*Resolution - 457 Plan*

**Attachment 4** contains the proposed 2018 Board of Education schedule of meetings. Approval is recommended.

**Attachment 5** contains the 2017-2018 Amended Budget Summary for the 2017-18 school year for review.

**Attachment 6** contains a resolution to approve the 2017-2018 Amended Budget. Roll Call vote is required

Motion to approve the resolution authorizing the adoption of the amended deferred compensation plan with an effective date of January 1, 2018. (**Attachment 7**) Roll Call vote is required

**SUPERINTENDENT'S REPORT**

**OTHER INFORMATION**

Food Service staff, Lucinda Lupi recently submitted her letter of resignation effective the week of November 20, 2017.

**ANNOUNCEMENTS**

**The next Regular Meeting of the Board of Education will be held on Monday, January 22, 2018 at 7:00 p.m. in the High School Media Center.**

**CALL TO THE PUBLIC**

**BOARD MEMBER REPORTS**

Mr. Cole, Mr. Henry, Mrs. Kritzman, Mrs. McCully, Mr. Meadows, Mrs. Schwennesen, and Mr. Dignan

**CLOSED SESSION**

The Board will adjourn to go into closed session to discuss the superintendent evaluation. **Roll call vote required**

**ADJOURNMENT**

Please fill out a "Public Participation Request" form if you wish to address the Board prior to the Public Comment section of the meeting. Please include your name, address and topic you wish to speak on. Those wishing to speak in Public Comment are limited to three (3) minutes.

#### 0000 – BYLAWS

#### 0160 - MEETINGS

#### 0167.3 – Public Participation at Board Meetings

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

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

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

M.C.L. 15.253(4)(5)(6), 380.1808

Revised 9/27/2010

#### Use of Recording Devices

Anyone attending a school event who wishes to record the activity on a visual recording device shall be asked to abide by the following rules:

- A. The recorder must operate the device within the area designated by the principal or director of the activity.
- B. The camera must not block the view of any other attendees or interfere with others who seek to record the activity.
- C. Those who record or assist a recorder must not block any passageways nor interfere with any other attendee's participation or observation of the activity.
- D. If sound is also being recorded, the recorder must not ask other attendees to be quiet or to change their behavior in order to improve the quality of the sound.
- E. If the District is recording the activity, the principal may arrange for a person to obtain a copy providing s/he agrees to provide a tape and pay whatever the principal may need to charge to cover the costs of transfer.

Where the District does not possess the appropriate license or permission to allow the recording of a copyrighted work or performance, notice will be given, when possible prior to the exhibit or performance. Announcements shall be made at the beginning of any such exhibit or performance.

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**Whitmore Lake Public Schools**  
**BOARD OF EDUCATION**  
*Regular Meeting Minutes*  
**October 23, 2017 – High School Media Center – 7:00 p.m.**

**MEMBERS PRESENT**

Ken Dignan (*President*) arrived at 7:12 p.m., Laura Schwennesen (*Vice President*), Bob Henry (*Treasurer*), Michelle Kritzman (*Secretary*), Lee Cole (*Trustee*), Lisa McCully (*Trustee*), and John Meadows (*Trustee*)

**MEMBERS ABSENT**

**ADMINISTRATORS PRESENT**

Superintendent, Tom DeKeyser, Director of Finance & Operations, Denise Kerrigan, Elementary Principal and ECC Director, Sue Wanamaker, Director of Instruction, Jill Henry, and Community Relations & Recreation Director, Maria Carter-Ewald

**OTHERS PRESENT**

Staff, parents and members of the community

**CALL TO ORDER**

At 7:07 p.m. by Vice President Laura Schwennesen.

**APPROVAL OF AGENDA**

*Motion to approve the agenda as presented made by Mr. Henry; supported by Mr. Cole.*

Ayes – 6; Nays – 0, motion carried

**CALL TO THE PUBLIC**

None

**SPECIAL PRESENTATION**

Jeff Straus from Maner Costerisan CPA's briefed the Board on the 2016-2017 audit report. He shared there were no significant findings. Mr. Straus stated that in the packets the Board received was the Audit Report, Governance Letter and Supplementary Comments Report. Mr. Straus noted that the general fund balance had increased for the third year and commends Mr. DeKeyser and Mrs. Kerrigan for implementing the changes to realize these savings and bring the fund balance to over 1 million dollars.

Mr. Cole congratulated Mr. DeKeyser and Mrs. Kerrigan and suggested to add a letter of commendation to their files in support of the great accomplishments. Mr. Dignan thanked the entire staff in helping turn the district around over the last 3 years.

*Motion to add a letter of commendation to the files of Tom DeKeyser and Denise Kerrigan for their persistence, expertise and professionalism with the district for the outstanding audit report made by Mr. Cole; supported by Mrs. Schwennesen.*

Ayes – 7; Nays – 0, motion carried

Superintendent DeKeyser thanked everybody in the district and community for their help and support in moving the district forward.

**STUDENT COUNCIL**

Student Council Representative, Karolyn Wagner, shared they will begin planning for the holiday assembly.

**COMMITTEE REPORTS**

Superintendent DeKeyser reported the Ad Hoc Committee met on October 9, 2017. Topics included 2017-18 staffing levels, instructional strategies and curriculum assessment goals and long term goal and strategic planning.

## CONSENT ITEMS

*Motion to approve the minutes from the September 25, 2017 Board of Education Regular meeting, and the October 9, 2017 Ad-Hoc Committee meeting made by Mr. Henry; supported by Mrs. McCully.*  
Ayes – 7; Nays – 0, motion carried 7 – 0

*Motion to approve fund transfer of \$442,351 in payments from Accounts Payable; further, to approve the transfer of \$391,712 from Accounts Payable to cover the payrolls of September 15, 2017 and September 29, 2017 made by Mr. Henry; supported by Mrs. McCully.*  
Ayes – 7; Nays – 0, motion carried 7 – 0

## NEW BUSINESS

### *2019 Washington D.C. Trip Proposal*

*Motion to approve the proposal for a 7<sup>th</sup> & 8<sup>th</sup> grade overnight trip to Gettysburg and Washington D.C. from March 18, 2019 through March 21, 2019 submitted by MS/HS teachers Genevieve Conzelman and Eric Kobeck made by Mrs. Schwennesen; supported by Mr. Henry.*  
Ayes – 7; Nays – 0, motion carried 7 – 0

### *Citizen's Advisory Committee*

*Motion to approve appointment of citizens Rita LaForest, and Dee Everard to the Whitmore Lake Public School Reproductive Health Advisory Committee made by Mr. Dignan; supported by Mr. Cole.*  
Ayes – 7; Nays – 0, motion carried 7 – 0

## SUPERINTENDENT'S REPORT

Mr. DeKeyser shared the following:

- 1) Elementary & High School – Wall mounted water fountains are being installed. This is made possible through a Healthy Communities Grant.
- 2) HS Chinese Student Project – Whitmore Lake has an opportunity to bring tuition paying students into our district from China. Host families for 5 -10 students would be required.
- 3) Sinking Fund update – Next phase of planning will include Elementary playgrounds, parking lots, and updating the HS vestibule.

## OTHER INFORMATION

### *National Principal Month*

Superintendent DeKeyser read the State of Michigan Certificate of Proclamation and thanked Mrs. Wanamaker and Administrative Directors for their hard-work and dedication to the students.

### *Personnel*

The Board acknowledged the resignation of Kenneth Sailer.

## ANNOUNCEMENTS

**Whitmore Lake MS/HS Parent-Teacher conferences will be held Wednesday, October 25, 2017 from 4:30 p.m. to 8:00 p.m.**

**The next Regular Meeting of the Board of Education will be held on Monday, November 13, 2017 at 7:00 p.m. in the High School Media Center.**

## CALL TO THE PUBLIC

Maria Carter-Ewald announced a fundraiser taking place at La Marsa Mediterranean Cuisine from Monday, October 23, 2017 – Wednesday, October 25, 2017 to benefit WLFEE.

## BOARD MEMBER REPORTS

Mr. Cole shared he recently attended a Parks & Recreation Committee Meeting. Topics discussed included the development of the community park.

Mrs. Kritzman shared she received a letter from Adopt-A-Family and wanted to know if everyone would like to join in and donate to a family. She also shared the Board earned \$2000 for their fundraiser to go toward the scholarship fund.

Mr. Meadows shared he attended the Cross Country Meet where the boys team won their division, a Volleyball game which was an exciting event and the NHS Induction.

Mrs. Schwennesen shared she accompanied 3 students to an open house of engineering firm, Arvin Sango, where students were able to demonstrate their robot. She also shared Arvin Sango donated \$5,000 to sponsor our Robotics program.

Mr. Dignan shared he attended the Trunk or Treat event sponsored by the township on Sunday, October 22, 2017. It was an awesome event with a large turnout of people.

**ADJOURNMENT**

*Motion to adjourn the Regular Meeting at 8:28 p.m. made by Mrs. Schwennesen; Supported by Mr. Meadows.  
Ayes - 7; Nays - 0, motion carried 7 - 0.*

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*Michelle L. Kritzman, Secretary, Board of Education  
Whitmore Lake Public Schools*

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*Date*





## Whitmore Lake Public Schools

### BOARD OF EDUCATION

#### *Regular Meeting Minutes*

November 13, 2017 – High School Media Center – 7:00 p.m.

<b>MEMBERS PRESENT</b>	Ken Dignan ( <i>President</i> ), Laura Schwennesen ( <i>Vice President</i> ), Bob Henry ( <i>Treasurer</i> ) arrived at 7:09 p.m., Michelle Kritzman ( <i>Secretary</i> ), Lisa McCully ( <i>Trustee</i> ), and John Meadows ( <i>Trustee</i> )
<b>MEMBERS ABSENT</b>	Lee Cole ( <i>Trustee</i> )
<b>ADMINISTRATORS PRESENT</b>	Superintendent, Tom DeKeyser, Director of Finance & Operations, Denise Kerrigan, Elementary Principal and ECC Director, Sue Wanamaker, and Director of Instruction, Jill Henry
<b>OTHERS PRESENT</b>	Staff, parents and members of the community
<b>CALL TO ORDER</b>	At 7:02 p.m. by President Ken Dignan.
<b>APPROVAL OF AGENDA</b>	<i>Motion to approve the agenda as presented made by Mr. Dignan; supported by Mrs. McCully.</i> Ayes – 5; Nays – 0, motion carried
<b>CALL TO THE PUBLIC</b>	None
<b>SPECIAL PRESENTATION</b>	Jeff Atkins from Barton Malow presented an overview of recommended projects to begin summer 2018 using Sinking Fund dollars. Projects include updating the high school entrances with a vestibule to provide secure entries and energy savings, adding a pole vault to the track area, repairing concrete, paving parking lots and upgrading the playground at the elementary.
<b>STUDENT COUNCIL</b>	Student Council Representative, Karolyn Wagner, was unable to attend. She will update the board at the December meeting.
<b>COMMITTEE REPORTS</b>	Mrs. Kritzman shared the Reproductive Health Advisory Committee met and discussed the three different State outlined presentations. The committee recommends continuing with the abstinence based prevention program. They also recommend a version for students with an IEP to be presented by Michigan Rehabilitation Services.
<b>CONSENT ITEMS</b>	<i>Motion to approve the minutes from the October 23, 2017 Finance Committee meeting made by Mrs. Schwennesen; supported by Mrs. McCully.</i> Ayes – 6; Nays – 0, motion carried 6 – 0  <i>Motion to approve fund transfer of \$420,969 in payments from Accounts Payable; further, to approve the transfer of \$232,680 from Accounts Payable to cover the payrolls of October 13, 2017 and October 31, 2017 made by Mrs. Schwennesen; supported by Mrs. McCully.</i> Ayes – 6; Nays – 0, motion carried 6 – 0
<b>NEW BUSINESS</b>	
<i>WISD Parent Advisory Committee</i>	<i>Motion to approve the recommendation submitted by Director of Student Services, Melissa Heuker, to appoint Gail Chapman as a WLPS representative to the Washtenaw ISD Parent Advisory Committee made by; Mr. Henry; supported by Mrs. Schwennesen.</i> Ayes – 6; Nays – 0, motion carried 6 – 0

*School of Choice*

*Motion to approve Whitmore Lake Public Schools as a School of Choice district with unlimited open enrollment for students K – 12 in all programs for the second semester of the 2017 – 2018 school year pursuant to Sections 105 and 105(c) of the State School Aid Act made by Mr. Henry; supported by Mrs. McCully*

Ayes – 6; Nays – 0, motion carried 6 – 0

*NEOLA*

Superintendent DeKeyser shared changes required and options for policies regarding criminal history record check, administrator discipline, prohibition of referral or assistance, reproductive health and family planning, staff discipline, student seclusion and restraint and criminal justice information security with the Board for a first reading. Any errors or questions should be directed to DeKeyser prior to the next board meeting on December 11, 2017 where approval will be recommended.

**SUPERINTENDENT'S REPORT**  
*Livingston Classical Cyber Academy*

Mr. DeKeyser began a discussion with the Board regarding the possibility of changing Livingston Classical Cyber Academy's classification from a 6e Cyber School of Excellence to a 6a Charter School. Superintendent DeKeyser shared both positive and negative impacts the change could have on WLPS. He also requested the Board to advise him if he should move forward with a modified contract.

Mr. Dignan shared Mrs. Schwennesen and he recently met with LCCA board members to discuss their plans to modify the agreement. He remarked this change could offer other students in the area who do not attend WLPS an opportunity to attend a public school.

Mr. Henry questioned how many students WLPS could possibly lose to LCCA. Mrs. Schwennesen questioned what benefits would WLPS have other than increased revenue. Mr. Meadows requested to view an updated budget at the December meeting to see the impact it could place on WLPS.

Superintendent DeKeyser shared he would meet with Michigan Department of Education to gather additional information to be presented at the December board meeting as well as if this change can be done.

*Strategic Planning*

The Board reviewed two strategic plan proposals; one submitted by Michigan Association of School Boards (MASB) and one submitted by Michigan Leadership Institute. Superintendent DeKeyser shared that MASB would come in with a presentation to the Board in December.

**OTHER INFORMATION**

The Board acknowledged all other areas of other information

**ANNOUNCEMENTS**

**Whitmore Lake Elementary Parent-Teacher conferences will be held Monday, November 20, and Tuesday, November 21.**

**The next Regular Meeting of the Board of Education will be held on Monday, December 11, 2017 at 7:00 p.m. the High School Media Center.**

**The Michigan State Police awarded Whitmore Lake Public School District a Certificate of Excellence for achieving a 100% pass rate for School Bus Safety Inspections for the 2016-17 school year.**

**CALL TO THE PUBLIC**

None

## **BOARD MEMBER REPORTS**

Mrs. Kritzman shared how much she enjoyed the excellent performance of The Games Afoot presented by the HS Drama Club this past weekend.

Mrs. Schwennesen shared Middle School Robotics had their first competition this past weekend and received 2<sup>nd</sup> place at the event.

## **ADJOURNMENT**

*Motion to adjourn the Regular Meeting at 8:32 p.m. made by Mrs. McCully; Supported by Mrs. Schwennesen.*  
Ayes - 6; Nays - 0, motion carried 6 - 0.

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*Michelle L. Kritzman, Secretary, Board of Education  
Whitmore Lake Public Schools*

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*Date*

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**Whitmore Lake Public Schools**  
**Business Office Transactions**

For the Month Ending:  
**November 30, 2017**

<u>Payroll Transactions</u>	November 15, 2017	\$	218,935
	November 30, 2017	\$	212,485
		\$	<u>431,420</u>
<u>Accounts Payable Transactions</u>		\$	<u>257,096</u>

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**EOLA of MICHIGAN**  
LOCAL TEMPLATES

**BOARD OF EDUCATION**  
**SCHOOL DISTRICT**

ADMINISTRATION  
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**NEW POLICY - VOL. 32, NO. 1**

**CRIMINAL HISTORY RECORD CHECK**

Before the District 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 District 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 District, the District 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 District 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 District prior to the individual commencing work.



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

<sup>1</sup> Individuals who submit and receive such criminal history record checks on behalf of the District must be direct employees of the District. 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.





## **EOLA of MICHIGAN**

### **LOCAL TEMPLATES**

**BOARD OF EDUCATION**  
**SCHOOL DISTRICT**

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Individuals working in multiple districts may authorize the release of a prior criminal history records check with another 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 District in lieu of submitting to a new criminal background check. If this method is used, the Superintendent 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 District 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 District receives a report that shows an individual has been convicted of a listed offense under State statutes or any felony, the Superintendent 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 District 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 District 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 Superintendent and the Board provide written approval.



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**BOARD OF EDUCATION**  
**SCHOOL DISTRICT**

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The District 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 District with regard to such conviction. Such report shall be filed within sixty (60) days of receipt of the original report of the conviction.

The Superintendent 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 Superintendent 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 District,

or

( ) provide, at the District'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.



## **NEOLA of MICHIGAN**

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**BOARD OF EDUCATION**  
**SCHOOL DISTRICT**

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### 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 Superintendent. 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 District 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.

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

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**EOLA of MICHIGAN**  
LOCAL TEMPLATES

**BOARD OF EDUCATION**  
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**SCHOOL DISTRICT**

ADMINISTRATION  
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**NEW POLICY - VOL. 32, NO. 1**

**ADMINISTRATOR DISCIPLINE**

Whenever it becomes necessary to discipline an Administrator, the Superintendent, ~~or the Board if the Superintendent is the subject of the disciplinary action,~~ shall utilize the following principles and procedures. **The Board, or its designee, shall utilize the following principles and procedures if the Superintendent is the subject of the disciplinary action.**

~~Discipline, discharge and demotion shall occur in accordance with the statutory requirements of the Revised School Code.~~

The Superintendent/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.



# NEOLA of MICHIGAN

## LOCAL TEMPLATES

**BOARD OF EDUCATION**

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The District 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 District. Additionally, nothing in this policy limits the District'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 Superintendent should contact the Board to discuss the disciplinary action that is to be taken.

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The Superintendent's decision to impose any disciplinary action that is not subject to Board review, ~~as described below~~, 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.



**NEOLA of MICHIGAN**  
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\_\_\_\_\_ **SCHOOL DISTRICT**

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**NEW POLICY - VOL. 32, NO. 1**

**PROHIBITION OF REFERRAL OR ASSISTANCE**

In accordance with Michigan statute, any officer, agent, or employee of the Board of Education 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 Superintendent shall utilize related procedures described in the Staff Discipline Policy 1439, Policy 3139, and Policy 4139 or the current negotiated agreement, if applicable.

Using due-process procedures, the Superintendent 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 any officer, agent, or 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 District shall refund to the State School Aid fund an amount of money equal to the amount of the penalty or fine.

M.C.L. 388.1766

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**EOLA of MICHIGAN**  
LOCAL TEMPLATES

**BOARD OF EDUCATION**  
\_\_\_\_\_  
**SCHOOL DISTRICT**

**PROGRAM**  
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**REVISED POLICY - VOL. 32, NO. 1**

**REPRODUCTIVE HEALTH AND FAMILY PLANNING**

**The Board of Education 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 Education 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 which involves the reproductive system and its physiological, psychological, and endocrinological functions.~~

~~In addition, students are to be provided instruction in the recognition, prevention, and treatment of noncasual contact communicable diseases such as venereal diseases, HBV, and HIV; and the use of abstinence from sex as a responsible method for restriction and prevention of noncasual contact communicable disease and as a positive life-style for unmarried young people.~~

**No person shall dispense or otherwise distribute in a District school or on District school 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.**

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 Board 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.



# NEOLA of MICHIGAN

## LOCAL TEMPLATES

**BOARD OF EDUCATION**  
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~~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 District will meet preparatory criteria established by the State guidelines before participating in sex education instructional activities.~~

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

~~The Superintendent shall prepare regulations to implement these recommended guidelines which are to 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.~~

M.C.L. 380.1169, **380.1507, 388.1766**  
A.C. Rule 388.273 et seq.

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**REVISED POLICY - VOL. 32, NO. 1**

**CRIMINAL HISTORY RECORD CHECK**

Before the District 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 District 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 District, the District 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 District 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 District prior to the individual commencing work.



## **EOLA of MICHIGAN**

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Such Private Contractors cannot receive or retain criminal history record information ("CHRI").<sup>1</sup> Where the District will contract with a Private Contractor for the services of an individual, the District will notify the Private Contractor(s), after review of the MSP report, whether the individual has been approved to work within the District. The District may not give any details, including the fact that a criminal history check was run. Notice for approval to work in the District 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 Superintendent may contract on a provisional basis until the report is received. Any such provisional hire requires that:

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

For substitute teachers or substitute bus drivers currently working in another district, public school academy or non-public school in the State, the Superintendent 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.

<sup>1</sup> Individuals who submit and receive such criminal history record checks on behalf of the District must be direct employees of the District. 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.



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Individuals working in multiple districts may authorize the release of a prior criminal history records check with another 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 District in lieu of submitting to a new criminal background check. If this method is used, the Superintendent 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 District from another proper source, will be maintained in the individual's ~~personnel record~~ **confidential file, which must be maintained in compliance with Policy 8321 and AG 8321.**

When the District receives a report that shows an individual has been convicted of a listed offense under State statutes or any felony, the Superintendent 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 District 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 District 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 Superintendent and the Board provide written approval.



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The District 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 District with regard to such conviction. Such report shall be filed within sixty (60) days of receipt of the original report of the conviction.

The Superintendent 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 Superintendent 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 District,

or

( ) provide, at the District'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.



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### 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 Superintendent. 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 District 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.

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

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**REVISED POLICY - VOL. 32, NO. 1**

**STAFF DISCIPLINE**

Whenever it becomes necessary to discipline a member of the staff, the Superintendent shall utilize **related procedures described in the current negotiated agreement, to the extent not inconsistent with the current negotiated agreement, the following principles and procedures.**

- (-) ~~related procedures described in the current negotiated agreement, if applicable.~~
- (-) ~~the following principles and procedures.~~

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

~~being investigated by the~~

- (-) ~~appropriate administrator.~~
- (-) ~~Superintendent.~~

The administrator/Superintendent 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). The teacher shall be advised of the alleged act or omissions and provided an opportunity to respond to the complaint. Prior notice of this meeting shall be provided to the teacher for any discipline that will 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 District may substitute another representative from the union to timely process the investigation.~~



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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 District may substitute another representative from the union to timely process the investigation.

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 District 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 District. Additionally, nothing in this policy limits the District'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.



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- [ ] If it appears that disciplinary action beyond written reprimand may be necessary, the administrator should contact the Superintendent to discuss the disciplinary action that is to be taken.
- [ ] **[only applicable if original investigation conducted by another administrator]** Any disciplinary action that is not subject to Board review as described below may be submitted to the Superintendent for review within five (5) work days of the teacher's receipt of the written confirmation. The Superintendent 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 requested. The Superintendent 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 that is not subject to Board review, as described below, is final.

**The following disciplinary actions may only be imposed by the Board in adherence with the requirements of the Teacher Tenure Act:**

- A. discharge of a tenured or probationary teacher;
- B. demotion of a tenured teacher (which includes suspension for fifteen (15) or more consecutive days without pay or a reduction in compensation by more than equivalent of thirty (30) days compensation in one (1) school year);
- C. non-renewal of a probationary teacher;
- D. ~~discharge, demotion or non-renewal of an administrator.~~

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





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**REVISED POLICY - VOL. 32, NO. 1**

**CRIMINAL HISTORY RECORD CHECK**

Before the District 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 District 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 District, the District 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 District 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 District prior the individual commencing work.



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#### **BOARD OF EDUCATION** **SCHOOL DISTRICT**

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

<sup>1</sup> Individuals who submit and receive such criminal history record checks on behalf of the District must be direct employees of the District. 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.



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Such an inquiry shall also be made for regular substitutes who may be employed by the District. A substitute support staff person shall be required to submit to a criminal history records check if they work more than \_\_\_\_\_ **hours** per week in the schools, on a regular and consistent basis, even if such work is only as needed.

Individuals working in multiple districts may authorize the release of a prior criminal history records check with another 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 District in lieu of submitting to a new criminal background check. If this method is used, the Superintendent 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 District from another proper source, will be maintained in the individual's ~~personnel record~~ **confidential file, which must be maintained in compliance with Policy 8321 and AG 8321.**

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



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Verified convictions may result in termination of employment or rejection of an application. The District 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 District 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 Superintendent and the Board provide written approval.

The District 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 District with regard to such conviction. Such report shall be filed within sixty (60) days of receipt of the original report of the conviction.

The Superintendent 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 Superintendent 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 District,

or

( ) provide, at the District'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.



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### Confidentiality

All information and records obtained from such 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 Superintendent. 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 District 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.

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

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**REVISED POLICY - VOL. 32, NO. 1**

**STAFF DISCIPLINE**

Whenever it becomes necessary to discipline a member of the staff, the Board of Education directs the Superintendent to utilize **the procedures set out below and any related procedures** described in the current negotiated agreement, if applicable.

**The Superintendent or his/her designee shall conduct an investigation of any alleged act or omission that could lead to disciplinary action, as appropriate to the situation. The investigation shall include, at a minimum, providing the employee with reasonable notice and the opportunity to respond to the complaint. If the investigation includes a meeting with the employee, prior notice of this meeting shall be provided to the employee for any discipline that may result in a suspension or loss of pay. The meeting shall not proceed without the employee's designated representative; however, the meeting shall not be unduly delayed to secure the attendance of the preferred representative. The District may substitute another representative from the union to timely process the investigation.** ~~Using due process procedures, the Superintendent shall conduct an investigation, as appropriate to the situation, including providing the employee with reasonable notice and the opportunity to respond. If it appears that disciplinary action beyond verbal reprimand may be necessary, s/he should~~

~~( ) — contact the school attorney to~~

~~determine the disciplinary action that should be taken and so inform the Board President who shall determine whether or not a report should be made to the Board in open session, unless a closed session is requested by the staff member.~~

**Discipline may include, but is not limited to:**

- A. written warning;**
- B. written reprimand;**
- C. suspension (paid or unpaid);**



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- D. discharge;
- E. financial penalty in accordance with Michigan law.

The District does not have to apply discipline in a progressive manner, but, rather, may impose discipline consistent with the seriousness of the staff member's conduct, as determined by the District.

~~A suspension without pay may be invoked. The length of the suspension will be at the discretion of the Superintendent according to the severity of the violation. The Board~~

☒ strongly recommends

☐ requires

~~that before such a suspension or termination is invoked the Superintendent contact the school attorney.~~

The Board requires that all disciplinary actions involving loss of pay, ~~and/or~~ suspension **or termination** be submitted to the Board for review

☐ prior to the action being taken.

☒ as soon as possible after the action has been taken.

The Superintendent should ascertain whether or not the staff member wishes such a report to be made in a closed session of the Board, **if a closed session is permitted by the Open Meetings Act.**



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**REPLACEMENT POLICY – SPECIAL UPDATE MAY 2017**

**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 District 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 District will utilize Positive Behavioral Interventions and Supports (PBIS) to enhance academic and social behavior outcomes for all students. PBIS implemented by the District 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.





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**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



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### **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



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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:

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



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

### **EMERGENCY 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. 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



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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.



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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.



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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



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**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;





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- 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



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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**

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:

1. conduct a functional behavioral assessment
2. develop or revise a PBIS plan to facilitate the reduction or elimination of the use of seclusion/restraint



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3. develop an assessment and planning process conducted by a team knowledgeable about the student, including at least:
  - a. the parent or guardian
  - b. the student (if appropriate)
  - c. people who are responsible for implementation of the PBIS plan
  - d. people who are knowledgeable in PBIS
4. 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:

1. describe in detail the emergency intervention procedures
2. describe in detail the legal limits on the use of emergency seclusion/restraint, including examples of legally permissible and prohibited uses



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3. 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
4. conduct a peer review by knowledgeable staff
5. provide the parent or guardian with all of the following, in writing and orally:
  - a. A detailed explanation of the PBIS strategies that will reduce the risk of the student's behavior creating an emergency situation.
  - b. An explanation of what constitutes an emergency, including examples of situations that would fall within and outside of the definition.
  - c. A detailed explanation of the intervention procedures to be followed in an emergency situation, including the potential use of emergency seclusion/restraint.
  - d. A description of possible discomforts or risks.
  - e. A detailed explanation of the legal limits on the use of emergency seclusion/restraint, including examples of legally permissible and prohibited uses.
  - f. Answers to any questions.



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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**

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 \_\_\_\_\_  
**[Superintendent]**.

The data must:

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



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**NOTE:** The District 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



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- 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



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- 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.





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**"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.



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**"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.



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

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

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**REVISED POLICY - VOL. 32, NO. 1**

**CRIMINAL HISTORY RECORD CHECK**

Before the District 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 District 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 District, the District 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 District 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 District prior to the individual commencing work.

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

<sup>1</sup> Individuals who act on behalf of the District, work on a regular or continuous basis in the District, are involved in the hiring process of District employees, and have successfully undergone a fingerprint-based criminal history record check by the District, may continue to submit and receive such criminal history record checks on behalf of the District, regardless of their status as employees, contractors, vendors or similar classification.



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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 Superintendent may contract on a provisional basis until the report is received. Any such provisional hire requires that:

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

For substitute teachers or substitute bus drivers currently working in another district, public school academy or non-public school in the State, the Superintendent 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 districts may authorize the release of a prior criminal history records check with another 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 District in lieu of submitting to a new criminal background check. If this method is used, the Superintendent 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).



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"No separation," for purposes of the preceding paragraph, means a layoff 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 District from another proper source will be maintained in the individual's ~~personnel record~~ **confidential file, which must be maintained in compliance with Policy 8321 and AG 8321.**

When the District receives a report that shows an individual has been convicted of a listed offense under state statutes or any felony, the Superintendent 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 District 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 District 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 Superintendent and the Board provide written approval.

The District 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 District with regard to such conviction. Such report shall be filed within sixty (60) days or receipt of the original report of the conviction.

The Superintendent 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 Superintendent shall request the State Police to obtain a criminal history records check from the Federal Bureau of Investigation.



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An applicant must



submit, at no expense to the District,

or

( ) provide, at the District'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. 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 District 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.



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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.

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

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**REVISED POLICY - VOL. 32, NO. 1**

**CRIMINAL JUSTICE INFORMATION SECURITY**  
**(NON-CRIMINAL JUSTICE AGENCY)**

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

A. **Sanctions for Non-Compliance**

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

B. **Local Agency Security Officer (LASO)**

The [ *Business Manager* **insert designated administrator** ] shall be designated as the District's Security Officer and shall be responsible for overall implementation of this policy and for data and system security. This shall include:

1. ensuring that personnel security screening procedures are being followed as set forth in this policy;
2. ensuring that approved and appropriate security measures are in place and working as expected;
3. supporting policy compliance and instituting the incident response reporting procedures;



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4. ensuring that the Michigan State Police are promptly informed of any security incidents involving the abuse or breach of the system and/or access to criminal justice information;
5. to the extent applicable, identifying and documenting how District equipment is connected to the Michigan State Police system;
6. to the extent applicable, identify who is using the Michigan State Police approved hardware, software and firmware, and ensuring that no unauthorized individuals have access to these items.

The District's LASO shall be designated on the appropriate form as prescribed and maintained by the Michigan State Police. A new form shall be submitted every time a new LASO is designated.

C. Agency User Agreements

The District shall enter into any **required** User Agreement **for Release of CHRI ("User Agreement")** required, and future amendments, by the Michigan State Police 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 District. The LASO shall be responsible for the District's compliance with the terms of any such User Agreement.



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D. Personnel Security

All individuals that ~~have~~**require** access to any criminal justice information shall be subject to the following standards **prior to granting of access:**

1. 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. **Background re-checks should be conducted every five (5) years.**
  - a. A felony conviction of any kind will disqualify an individual for access to criminal justice information.
  - b. 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.



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- c. If support personnel, contractors or custodial workers need to be in an area where CHRI is maintained or processed, they shall be escorted by or under the supervision of authorized personnel at all times while in those area. Information Technology contractors or vendors will be physically or virtually escorted by authorized personnel anytime said individual have access to facilities, areas, rooms, or an agency's CHRI information system. ~~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.~~
2. Subsequent Arrest/Conviction - If an individual granted access to criminal justice information is subsequently arrested and/or convicted, access shall be suspended immediately until the matter is reviewed by the LASO to determine if continued access is appropriate. Such determination shall be recorded in writing, signed, dated and maintained with the individual's file. In the event that the LASO has the arrest/conviction, the Superintendent (if not the designated LASO) shall make the determination. If the Superintendent is also the designated LASO, the determination shall be made by Business Manager **[Insert Designated Administrator]**. Except that, as noted in D(1)(a), individuals with a felony conviction of any kind will have their access ~~permanently~~ **indefinitely** suspended.



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3. 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.
4. 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 District. The District must maintain a readily accessible list that includes the names of all LASO approved personnel with access to criminal justice information, as well as the reason for providing each individual access. **This list shall be made available to Michigan State Police upon request.**
5. Termination of Employment/Access - Within twenty-four (24) hours of the termination of employment, all access to criminal justice information shall be terminated immediately for that individual, **such as closing the individual's account and/or blocking access to any systems containing such information at the District.** ~~and steps taken to assure security of such information and any systems at the District to access such information.~~
6. 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.



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7. Information Technology Contractors and Vendors<sup>1</sup> – 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.

E. Media Protection

Access to digital and physical media in all forms, which contains criminal history background information provided by the Michigan State Police through the statutory record check process, is restricted to authorized individuals only. Only individuals involved in the hiring determination of both District employees and volunteers shall be authorized to access digital and physical media containing CHRI.

1. 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 a District or School 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.

<sup>1</sup>Non-Information Technology contractors or vendors shall not have access to criminal justice information.



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2. Media Transport – Digital and physical media shall **only be transported upon sufficient justification approved by the LASO**. Digital and physical media shall be protected when being transported outside of a controlled area. Only authorized individuals shall transport the media. **Physical media (e.g. printed documents, printed imagery, etc.) shall be transported using a locked container, sealed envelope, or other similarly secure measure. To the extent possible, digital media (e.g., hard drives and removable storage devices such as disks, tapes, flash drives and memory cards) shall be either encrypted and/or be password protected during the transport process. The media shall be directly delivered to the intended person or destination and shall remain in the physical control and custody of the authorized individual at all times during transport. Access shall only be allowed to an authorized individual.** ~~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.~~



## EOLA of MICHIGAN

### LOCAL TEMPLATES

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3. Media Disposal/Sanitization – When the CHRI background check is no longer needed, the media upon which it is stored shall either be destroyed or sanitized. The LASO and the Superintendent shall approve in writing the media to be affected. This record shall be maintained by the LASO for a period of at least five (5) years. **[Note: the regulations do not specify a specific period for maintaining this information. This time period is suggested as it will likely cover most statutes of limitation and can be retained in digital format.]**
  - a. 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.
  - b. 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.)





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4. 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 District has established and documented the specific terms and conditions for personally owned mobile devices.

F. 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.

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.

G. 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:

1. Limited unauthorized personnel access to the area during times that criminal justice information is being processed or viewed.
2. The controlled area shall be locked at all times when not in use or attended by an authorized individual.



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3. 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.
4. Encryption shall be used for digital storage of criminal justice information. (See AG 8321)

H. Passwords (Standard Authentication)<sup>2</sup>

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

1. at least eight (8) characters long on all systems
2. not be a proper name or a word found in the dictionary
3. not be the same as the user identification
4. not be displayed when entered into the system (must use feature to hide password as typed)
5. not be transmitted in the clear outside of the secure location used for criminal justice information storage and retrieval
6. must expire and be changed every ninety (90) days
7. renewed password cannot be the same as any prior ten (10) passwords used (See also, AG 8321)

<sup>2</sup>Applicable to districts 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.



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I. Security Awareness Training

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

J. Secondary Dissemination of Information

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

1. the date of release;
2. record disseminated;
3. method of sharing;
4. agency personnel that shared the CHRI;
5. the agency, and name of the individual at the agency, to which the information was released;



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6. whether an authorization was obtained.

A log entry need not be kept if the receiving agency/entity is part of the primary information exchange agreements between the District and the Michigan State Police. A release form consenting to the sharing of CHRI shall be maintained at all relevant times.

If CHRI is received from another 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.

K. Auditing and Accountability

The District's information system shall **generate audit records for the events listed below. The District shall specify which information system components shall carry out auditing activities.**~~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 District does not use an automated system, manual recording of activities shall still take place.~~

**The District'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 District 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.



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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.



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### LOCAL TEMPLATES

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The District's information system shall provide alerts to the appropriate District officials in the event of an audit processing failure. Audit processing failures include, for example software/hardware errors, failures in the audit capturing mechanisms, and audit storage capacity being reached or exceeded.

Audit Monitoring, Analysis and Reporting - The District 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 District'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.



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

Audit Record Retention - The District shall retain audit records for at least one (1) year. Once the minimum retention time period has passed, the District 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 5.56, 201617),  
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

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## Whitmore Lake Public Schools

### BOARD OF EDUCATION

#### 2018 Workshop and Regular Meeting Dates

Whitmore Lake Public Schools  
8845 Main Street  
Whitmore Lake, MI 48189  
(734) 449-4464

			LOCATION
January 22, 2018	Regular/Organizational Meeting	7:00 p.m.	High School
February 12, 2018	Regular Meeting	7:00 p.m.	High School
February 26, 2018	Regular Meeting	7:00 p.m.	High School
March 12, 2018	Regular Meeting	7:00 p.m.	High School
April 9, 2018	Regular Meeting	7:00 p.m.	High School
April 23, 2018	Regular Meeting	7:00 p.m.	High School
May 21, 2018	Regular Meeting	7:00 p.m.	High School
June 11, 2018	Regular Meeting	7:00 p.m.	High School
June 25, 2018	Regular Meeting	7:00 p.m.	High School
July 23, 2018	Regular Meeting	6:00 p.m.	Middle School
August 20, 2018	Regular Meeting	6:00 p.m.	Middle School
September 24, 2018	Regular Meeting	7:00 p.m.	High School
October 08, 2018	Regular Meeting	7:00 p.m.	High School
October 22, 2018	Regular Meeting	7:00 p.m.	High School
November 12, 2018	Regular Meeting	7:00 p.m.	High School
November 26, 2018	Regular Meeting	7:00 p.m.	High School
December 10, 2018	Regular Meeting	7:00 p.m.	High School

Upon request to the Superintendent, the District shall make reasonable accommodation for a person with disabilities to be able to participate in these meetings.

Please note the location is subject to change. View [wlps.net](http://wlps.net) for location update.

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# **Whitmore Lake Public Schools**

## **2017-2018 Amended Budget Summary**

### **General Fund**

To be Presented for Adoption  
December 11, 2017

# Whitmore Lake Public Schools

## General Fund

### BUDGET SUMMARY

	2016-17 FINAL BUDGET	2017-18 ORIGINAL BUDGET	2017-18 AMENDED BUDGET
Revenues and Other Sources	10,627,684	10,271,916	10,201,878
Expenditures and Other Uses	10,423,091	10,261,514	10,364,988
Excess (Shortfall) of Revenues over Expenditures	204,593	10,402	(163,110)
Fund Balance - Beginning of Year	712,013	1,025,166	1,025,166
Proceeds From Capital Lease	120,060		
Transfer Out - Food Service	(11,500)		
Fund Balance - End of Year	1,025,166	1,035,568	862,056
Total Fund Balance as a Percent of Revenue	9.6%	10.1%	8.4%

Revenue Changes	
Less 48 Students	\$ (365,000)
Additional Act 18	\$ 160,000
Less Medicaid	\$ (50,000)
MSPERS Flow Through, Miscellaneous	\$ 185,000
	\$ (70,000)

Expenditure Changes	
Teacher 1% Increase	\$ (50,000)
Chromebooks, Miscellaneous	\$ (50,000)
	\$ (100,000)

# WHITMORE LAKE PUBLIC SCHOOLS

## General Fund

### Revenues and Operating Transfers

Property Type	Taxable Values	Estimated Tax Revenues
PRE & Qual Agricultural	\$ 222,737,245	\$ -
Commercial Personal	\$ 6,018,800	\$ 36,113
Non-PRE	\$ 111,874,251	\$ 2,013,737
Total Taxable Value	\$ 340,630,296	\$ 2,049,849

Non-PRE Levy:	18.0000	Mills	
Commercial Personal Levy:	6.0000	Mills	
Sinking Fund:	0.9909	Mills	\$ 331,566.53
Fund Balance			\$ 331,923.00
			\$ 663,489.53

	2017-18 ORIGINAL BUDGET	2017-18 AMENDED BUDGET
<b>LOCAL REVENUE:</b>		
Property Taxes	2,060,582	2,049,849
Delinq/PILT Tax Collections	30,000	30,000
Interest on Investments	8,000	10,000
Kids Club, Tuition Presch	80,000	102,000
Billboards & Facility Rental	200,000	226,500
Athletics	105,860	95,860
Other Local	90,000	115,000
<b>TOTAL LOCAL REVENUE</b>	<b>\$ 2,574,442</b>	<b>\$ 2,629,209</b>
<b>STATE REVENUE:</b>		
Proposal A	1,880,443	1,615,396
Special Ed. Headlee	523,941	523,941
Discretionary	2,246,378	2,097,409
At Risk - Section 31A	242,573	240,861
Early Literacy Targeted Instruction	0	12,180
Assessments State	0	0
First Robotics Grant	4,000	400
Vocational Education	10,000	11,269
Data Collection Headlee Oblig.	21,260	21,272
Hold Harmless Guarantee	6,500	6,500
MPERS Cost Offset	74,444	76,864
MPERS Normal Cost Offset	0	33,842
MPERS One Time Deposit	0	125,015
MPERS UAAL Rate Stabilization	659,702	663,927
Prior Year State Aid Adjustments	0	5,025
<b>TOTAL STATE REVENUE</b>	<b>5,669,241</b>	<b>5,433,901</b>
<b>FEDERAL REVENUE:</b>		
Funded Grants	645,591	660,073
<b>TOTAL FEDERAL REVENUE</b>	<b>645,591</b>	<b>660,073</b>
<b>OTHER REVENUE:</b>		
County Special Education PA-18	\$ 1,029,664	\$ 1,192,380
Medicaid Proceeds	127,166	73,483
WISD Misc; GSRP	141,335	154,537
Services Provided To/By Other LEAs	84,477	58,295
<b>TOTAL OTHER REVENUE</b>	<b>1,382,642</b>	<b>\$ 1,478,695</b>
<b>TOTAL REVENUES</b>	<b>10,271,916</b>	<b>\$ 10,201,878</b>

**WHITMORE LAKE PUBLIC SCHOOLS****General Fund****Expenditures and Operating Transfers**

	Function	2017-18 ORIGINAL BUDGET	2017-18 AMENDED BUDGET
1111	Elementary	1,930,625	1,919,839
1113	High School	1,998,148	2,124,109
1118	Pre-School	326,877	354,031
	Total Basic Programs	4,255,650	4,397,979
1122	Special Education	468,900	533,950
1125	Compensatory Education	175,000	145,498
1127	Career & Technical Education	203,300	141,382
	Total Added Needs	847,200	820,830
	Total Instruction	5,102,850	5,218,809
1212	Guidance	124,222	146,228
1213	Health	87,527	85,256
1214	Psychology	20,000	20,000
1215	Speech	184,281	212,862
1216	Social Workers	159,650	162,621
1218	Teacher Consultants	860,759	727,050
	Total Pupil Support	1,436,439	1,354,017
	Total Instruction and Pupil Support	6,539,289	6,572,826
1221	Improvement of Instruction	296,593	311,612
1222	Media Services	39,295	42,112
1226	Supervision of Instructional Staff	139,862	139,119
1227	Academic Student Assessment	32,390	32,689
	Total Instructional Staff Services	508,140	525,532
1231	Board of Education	108,500	108,750
1232	Executive Administration	200,391	213,474
	Total General Administration	308,891	322,224
1241	Office of the Principal	496,574	486,390
1249	Other School Administration		1,500
	Total School Administration	496,574	487,890
1252	Fiscal Services	288,877	311,753
1259	Other Business Services	72,000	79,000
	Total Business Services	360,877	390,753
1261	Operating Buildings Services	933,667	903,142
1266	Safety and Security	7,500	7,500
	Total Operations and Maintenance	941,167	910,642
1271	Pupil Transportation	494,564	525,953
	Total Pupil Transportation	494,564	525,953
1282	Communications	101,802	107,198
1283	Personnel	35,000	14,200
1284	Technology Services	125,000	171,598
1285	Pupil Accounting	3,300	2,700
	Total Central Support Services	265,102	295,696
1293	Support Service-Athletics	251,398	259,225
	Total Support Service-Athletics	251,398	259,225
1351	Custody & Care of Children	40,058	39,583
1371	Non-Public School Pupils	44,203	22,114
1391	Community Services	11,251	12,550
	Total Community Activities	95,512	74,247
	Total Expenditures and Operating Transfers	10,261,514	10,364,988

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**General Appropriations Resolution  
Resolution for Adoption by the Board of Education**

**Whitmore Lake Public School District  
2017-2018 General Education Amended Budget**

**Adopted December 11, 2017**

**RESOLVED**, that this resolution shall be the general appropriations of the Whitmore Lake Public School District for the fiscal year 2017-2018: A resolution to make appropriations; and to provide for the disposition of all income received by the Whitmore Lake Public School District.

**BE IT FURTHER RESOLVED**, that the total revenue and unappropriated fund balance be available for appropriations in the **GENERAL EDUCATION FUND** of the Whitmore Lake Public School District for the fiscal year 2017-2018 as follows:

**REVENUE**

Local Revenue	\$ 2,629,209
State Revenue	5,433,901
Federal Revenue	660,073
Incoming Transfers & Other Transactions	1,478,695

TOTAL REVENUE AND INCOMING TRANSFERS	\$ 10,201,878
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FUND BALANCE AS OF JULY 1, 2017	1,025,166
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TOTAL AMOUNT AVAILABLE TO APPROPRIATE	<u>\$ 11,227,044</u>
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**BE IT FURTHER RESOLVED**, that \$11,227,044 of the total available to appropriate in the **GENERAL EDUCATION FUND** is thereby appropriated in the amounts and for the purposes set forth below:

**EXPENDITURES and TRANSFERS**

Basic Programs, Instruction	\$ 4,397,979
Added Needs, Instruction	820,830
Pupil Support	1,354,017
Instructional Staff Services	525,532
General Administration	322,224
School Administration	487,890
Business Services	390,753
Operations/Maintenance	910,642
Transportation	525,953
Central Support Services	295,696
Athletics	259,225
Community Activities	74,247
TOTAL EXPENDITURES and TRANSFERS	<u>\$ 10,364,988</u>

**FUND BALANCE**

TOTAL FUND BALANCE AT JUNE 30, 2018 (Projected)	\$ 862,056
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TOTAL APPROPRIATED	<u>\$ 11,227,044</u>
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**WHITMORE LAKE PUBLIC SCHOOLS  
COUNTIES OF WASHTENAW AND LIVINGSTON  
STATE OF MICHIGAN**

**RESOLUTION CONCERNING  
INTERNAL REVENUE CODE SECTION 457 PLAN**

Minutes of the regular meeting of the Board of Education for the Whitmore Lake Public Schools, Counties of Washtenaw and Livingston, State of Michigan (the "School District"), held in the School District on the 11th day of December, 2017, at 7:00 p.m., Eastern Daylight Time.

Present: \_\_\_\_\_

Absent: \_\_\_\_\_

WHEREAS, the School District makes available an Internal Revenue Code ("Code") Section 457 Plan ("457 Plan") for its eligible employees;

WHEREAS, the School District is required to make significant changes to the 457 Plan to ensure that the 457 Plan preserves its tax-qualified status for the benefit of its participants.

NOW, THEREFORE, BE IT RESOLVED THAT, the Board of Education adopt an Investment Policy Statement that is intended for use in connection with the Whitmore Lake Public Schools 457 Plan and that the School District's Superintendent or his designee is authorized and directed to take the necessary actions to support the school district's Investment Policy Statement, subject to advice and approval by the district's legal counsel.

BE IT FURTHER RESOLVED THAT, the Board of Education amend and restate the Whitmore Lake Public Schools 457 Plan, effective January 1, 2018, and that the School District's Superintendent or his designee is authorized and directed to take the necessary actions to support the school district's 457 Plan, subject to advice and approval by the district's legal counsel.

**CERTIFICATION**

The undersigned duly qualified and acting Secretary of the Board of Education of the Whitmore Lake Public Schools, Counties of Washtenaw and Livingston, State of Michigan, hereby certifies that the foregoing is a true and complete copy of a resolution adopted by the Board at a regular meeting held on December 11, 2017, the original of which is a part of the Board's minutes and further certifies that notice of the meeting was given to the public pursuant to the provisions of the Open Meetings Act, 1976 PA 267, as amended.

\_\_\_\_\_  
Secretary, Board of Education