



**BOARD OF EDUCATION
REGULAR MEETING**

October 22, 2018 — 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, October 22, 2018 – 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.”

BOARD CLARIFICATION

STUDENT COUNCIL

Alaina Di Dio will present the student council report.

CONSENT ITEMS

Approval of minutes from the October 8, 2018 Board of Education Regular Meeting and the October 8, 2018 Finance Committee Meeting. **(Attachment 1)**

OLD BUSINESS

NEOLA

NEOLA Policies 0143.1 - Public Expression of Board Members, 2221 – Mandatory Courses, 2461 – Recording of District Meetings Involving Students and/or Parents, 2623 – Student Assessment, 3120.04 Employment of Substitutes, 1421, 3121 & 4121 – Criminal History Record Check, 4162 – Controlled Substance and Alcohol Policy for CVM Drivers and Other Employees, 5111 – Eligibility of Resident / Nonresident Students, 5517.01 – Bullying and Other Aggressive Behavior Toward Students, 7540.02 – Web Accessibility, Content, Apps and Services, and 8321 – Criminal Justice Information Security regarding Updates and Revisions second reading **(Attachment 2)**. Approval is recommended.

NEW BUSINESS

Livingston Classical Academy

Motion to authorize the Superintendent and Livingston Classical Academy Board to appoint Dan Smith on the board of directors for LCA commencing the date upon which the oath of office is taken.

**ACADEMIC ACHIEVEMENT
PRESENTATION**

Director of Instruction, Jill Henry, will provide an overview of M-Step scores, and SAT results.

SUPERINTENDENT'S REPORT
Special Presentation

Superintendent DeKeyser will present a Letter of Commendation from National Merit Scholarship Program.

OTHER INFORMATION

The Michigan Association of School Boards 2018 Delegate Assembly will begin Thursday, November 1, 2018 at 7:30 p.m. at the Amway Grand Hotel in Grand Rapids, MI.

ANNOUNCEMENTS

The next Regular Meeting of the Board of Education will be held on Monday, November 12, 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

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 8, 2018 – High School Media Center – 7:00 p.m.

MEMBERS PRESENT Ken Dignan (*President*), Laura Schwennesen (*Vice President*), Bob Henry (*Treasurer*), Michelle Kritzman (*Secretary*), Lisa McCully (*Trustee*), and John Meadows (*Trustee*)

MEMBERS ABSENT Lee Cole (*Trustee*)

ADMINISTRATORS PRESENT Superintendent, Tom DeKeyser, Director of Finance & Operations, Denise Kerrigan, and Elementary Principal and ECC Director, Sue Wanamaker

OTHERS PRESENT Staff, parents and members of the community

CALL TO ORDER At 7:02 p.m. by President Ken Dignan.

APPROVAL OF AGENDA *Motion to approve the agenda as presented made by Mrs. Schwennesen; supported by Mrs. McCully.*
Ayes – 6; Nays – 0, motion carried

SPECIAL PRESENTATION Jeff Straus from Maner Costerisan CPA's briefed the Board on the 2017-2018 audit report. He walked the Board through the report and shared there were no significant findings. Mr. Straus noted that the general fund balance had decreased due to school improvements that were made in the district. He commends Mr. DeKeyser and Mrs. Kerrigan for implementing improvements to the district and maintaining a fund balance greater than 5%.

STUDENT COUNCIL Student Council Representative, Alaina Di Dio shared the highlights of Homecoming week.

CONSENT ITEMS *Motion to approve the minutes from the September 24, 2018 Board of Education Regular Meeting was made by Mr. Dignan; supported by Mrs. McCully.*
Ayes – 6; Nays – 0, motion carried 6 – 0

Motion to approve fund transfer of \$207,423 in payments from Accounts Payable; further, to approve the transfer of \$394,904 from Accounts Payable to cover the payrolls of September 14, 2018 and September 28, 2018 made by Mr. Dignan; supported by Mrs. McCully
Ayes – 6; Nays – 0, motion carried 6 – 0

NEW BUSINESS
Livingston Classical Academy

Motion to authorize the Superintendent and Livingston Classical Academy Board to appoint Steven Reagan and David Raney to replace Gianina Cazan-London and Teren Sechrist respectively on the board of directors for LCA commencing the date upon which the oath of office is taken 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 0143.1 - Public Expression of Board Members, 2221 – Mandatory Courses, 2461 – Recording of District Meetings Involving Students and/or Parents, 2623 – Student Assessment, 3120.04 Employment of Substitutes, 1421, 3121 & 4121 – Criminal History Record Check, 4162 – Controlled Substance and Alcohol Policy for CVM Drivers and Other Employees, 5111 – Eligibility of Resident / Nonresident Students, 5517.01 – Bullying and Other Aggressive Behavior Toward Students, 7540.02 – Web Accessibility, Content, Apps and Services, and 8321 – Criminal Justice Information Security with the Board for a first reading. Any questions should be directed to Mr. DeKeyser prior to the next board meeting on October 22, 2018 where a 2nd reading will be heard and policies will be considered for adoption.

SUPERINTENDENT’S REPORT

Mr. DeKeyser shared the following:

- 1) National Principal Month – Mr. DeKeyser thanked Mrs. Wanamaker and Administrative Directors for their hard-work and dedication to the students.
- 2) Sinking Fund – Next phase of planning includes upgrading technology & infrastructure and facilities needs as necessary.

OTHER INFORMATION

The Board acknowledged the items of other information.

ANNOUNCEMENTS

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

CALL TO THE PUBLIC

None

BOARD MEMBER REPORTS

None

ADJOURNMENT

*Motion to adjourn the Regular Meeting at 8:01 p.m. made by Mr. Dignan; supported by Mrs. McCully.
Ayes - 6; Nays - 0, motion carried 6 - 0.*

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

Date



WHITMORE LAKE PUBLIC SCHOOLS

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www.wlps.net

Exceptional, Personalized Education

Board of Education Finance Committee Meeting

October 8, 2018
5:30 pm
High School Conference Room

MINUTES

- I. Call to Order at 5:30 pm
Present: Tom DeKeyser, Denise Kerrigan, John Meadows, Laura Schwennesen, Bob Henry, and Jeff Straus

 - II. Business
 - Audit Presentation – Jeff Straus, Maner Costerisan
 - Final audit documents presented to committee
 - Sinking Fund Update
 - Will update everyone at the Board meeting

 - III. Other Items
 - None

 - IV. Informational Items
 - Next Finance Committee Meeting
 - November 26th at 5:30 pm in the high school conference room

 - V. Call to the Public
 - None

 - VI. Adjournment at 6:55 pm
-

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EOLA of MICHIGAN
LOCAL TEMPLATES

BOARD OF EDUCATION
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REVISED BYLAW 0143.1 - VOL. 32, NO. 2 - FEBRUARY 2018

0143.1 Public Expression of Board Members

The Board President functions as the official spokesperson for the Board.

From time-to-time, however, individual Board members make public statements on school matters:

- A. to local media;
- B. to local officials and/or State officials.

Sometimes the statements imply, or the readers (listeners) infer, that the opinions expressed or statements made are the official positions of the Board. The misunderstandings that can result from these incidents can embarrass both the member and the Board. Therefore, Board members should, when writing or speaking on school matters to the media, legislators, and other officials, make it clear that their views do not necessarily reflect the views of the Board or of their colleagues on the Board.

- A. This bylaw shall apply to all statements and/or writings by individual Board members not explicitly sanctioned by a majority of its members, except as follows:
 - 1. correspondence, such as legislative proposals, when the Board member has received official guidance from the Board on the matters discussed in the letter
 - 2. routine, not for publication, correspondence of the Superintendent and other Board employees
 - 3. routine "thank you" letters of the Board
 - 4. statements by Board members on nonschool matters (providing the statements do not identify the author as a member of the Board)
 - 5. personal statements not intended for publication



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B. Copies of this bylaw shall be sent annually to local media by the Board President.

[OPTIONAL LANGUAGE]



A Board member's personal or private use of social media may have unintended, negative consequences to the Board member and/or the District, including possible violations of the Open Meetings Act and issues relating to creation of a public record. Postings to social media should be done in a manner sensitive to the Board member's responsibilities, applicable District policies, and legal obligations.

[END OPTIONAL LANGUAGE]

0144

Operations

0144.1

Compensation

NO CHANGE

SAME

Board members shall receive not more than \$30 per meeting up to a total of not more than ~~fifty-two (52)~~ meetings (including committee meetings) as compensation for their services. Expenses of a Board member shall be reimbursed when incurred in the performance of his/her duties or in the performance of functions authorized by the Board and duly vouchered.

M.C.L. 380.11a, 380.1254

The following guidelines have been established by the Board of Education to ensure appropriate and proper reimbursement of expenses for Board members.

Expenses will be reimbursed only for activities authorized by the Board.

Reimbursement for mileage will not exceed the current rate established by the Internal Revenue Service.



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REVISED POLICY - VOL. 31, NO. 2

MANDATORY COURSES

In compliance with the Michigan School Code, the Board of Education directs the Superintendent to prepare, implement, and supervise courses of instruction in the following areas:

- A. the Constitution of the United States and Michigan, and in the history and present form of government of the United States, and Michigan and its political subdivisions
- B. the principle modes by which communicable disease is spread and the best methods for the restriction and prevention of these diseases
- C. instruction in physiology and hygiene with special emphasis on drug abuse prevention
- D. **[OPTIONAL] Age and grade appropriate instruction in grades 8⁷ through 12 about genocide, including, but not limited to, the Holocaust and the Armenian Genocide**

The Superintendent shall prepare appropriate guidelines relative to the planning, teaching, and evaluation of these courses.

| M.C.L. 380.1166, **1168**, 1169, 1170



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NEW POLICY - VOL. 31, NO. 2

RECORDING OF DISTRICT MEETINGS INVOLVING STUDENTS
AND/OR PARENTS

[SELECT OPTION # 1 OR OPTION # 2]

[OPTION #1]

Recording of IEP Team and 504 Meetings



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

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



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[OPTION #2]

Prohibits

Recording of IEP Team and 504 Team Meetings

- [] The recording of IEP Team meetings and 504 Team meetings is prohibited unless it is necessary in order for a parent to understand the IEP process or 504 process and/or his/her child's IEP or 504 Plan, or otherwise necessary to implement other parental rights under the IDEIA, Section 504 of the Rehabilitation Act of 1973, as amended, and/or the Americans with Disabilities Act, as amended.
- A. If a parent believes that audio recording an IEP Team or 504 Team meeting is necessary, s/he should notify _____ **[Principal or Director of Pupil Services or Director of Special Education]** in writing, preferably at least two (2) school days before the IEP Team or 504 Team meeting, of his/her desire to audio record the meeting and the reason the recording is required. _____ will notify the parent at least one (1) school day before the meeting if s/he intends to deny the parent's request to record the meeting.
- B. If the District representative denies the request, s/he will state in writing the reasons for the denial. Authorized exceptions to the general prohibition against the audio recording of IEP Team meetings and 504 Team meetings will typically involve situations when a parent or other IEP Team or 504 Team member has a disability recognized under Section 504/ADA or a language barrier that would preclude the individual's ability to understand and/or meaningfully participate in the IEP process or 504 process. The District representative may ask for documentation of the existence of any such disability or language barrier. If a parent is permitted to audio record the meeting, s/he must use his/her own recording device and the District will similarly record the meeting.

[END OF OPTIONS]



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

[SELECT OPTION #3 or OPTION #4]

[OPTION #3]



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

[OPTION #4] — *Prohibits*

[] Parents are prohibited from audio recording meetings with the District unless a parent or District staff member has a disability recognized under Section 504/ADA or a language barrier that would preclude the individual's ability to understand and/or participate in the meeting. The District representative may ask for documentation of the existence of any such disability or language barrier. If a parent is permitted to audio record the meeting, s/he must use his/her own recording device and the District will similarly record the meeting.

[END OF OPTIONS]

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



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

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

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REVISED POLICY - VOL. 31, NO. 2

STUDENT ASSESSMENT

The Board of Education shall, in compliance with law and rules of the State Board of Education, assess student achievement and needs in designated subject areas in order to determine the progress of students and to assist them in attaining District goals.

Each student's proficiencies and needs will be assessed by staff members upon his/her entrance into the District and annually **or more frequently, as required by law**, thereafter. Procedures for such assessments will include, but need not be limited to, teacher observation techniques, cumulative student records, student performance data collected through standard testing programs **and/or diagnostic reading assessment systems**, student portfolios, and physical examinations.

The Superintendent shall develop

~~() and present to the Board annually~~

~~() and the Board shall approve~~

a program of testing and assessment that includes:

- A. the Michigan Student Test of Educational Progress (M-STEP), the Michigan Merit Examination ("MME") (or other readiness assessment program approved by the State Superintendent) ~~and~~ the PSAT **[END OF OPTION]** and MI-Access Alternate Assessments administered each year in accordance with the schedule established by statute and the State Department of Education;

M-STEP includes summative assessments designed to measure student growth effectively for today's students. English language arts and mathematics will be assessed in grades 3-8, science in grades 4 and 7, and social studies in grades 5 and 8. It also includes the Michigan Merit Examination in 11th grade, which consists of the SAT with essay, ACT WorkKeys, and M-STEP summative in science, and social studies.



DEPARTMENT of MICHIGAN
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B. A valid and reliable screening, formative, and diagnostic third grade reading assessment system from the assessment systems approved by the Michigan Department of Education.

B.C. criteria-based written and oral examinations which include use of alternative questions, demonstrations, writing exercises, individual and group projects, performances, portfolios, and samples of best work;

C.D. selection of assessment instrument, data, and other District criteria that will be used to assess educational achievement of each student in grades 1 - 5;

Third grade students who do not meet the District's and State's established assessment criteria may be offered the opportunity to attend summer school.

assessment tests;

aptitude tests;

achievement tests;

vocational inventories;

tests of mental ability.



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The Board requires that:

- A. any assessment tests used shall not be a psychiatric examination, testing, or treatment; or a psychological examination, testing, or treatment in which the primary purpose is to reveal information concerning:
1. political affiliations;
 2. mental and psychological problems potentially embarrassing to the student or his/her family;
 3. sexual behavior and attitude;
 4. illegal, anti-social, self-incriminating, and demeaning behavior;
 5. critical appraisals of other individuals with whom respondents have close family relationships;
 6. legally-recognized, privileged and analogous relationships, such as those of lawyers, physicians, and ministers;
 7. income without the prior consent of the adult student or without the prior written consent of the parent;
- B. any personality testing complies with Department of Education guidelines.



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The Board also requires that:

- tests be administered by persons who are qualified under State law and regulation;
- parents be informed of the testing program of the schools and of the special tests that are to be administered to their children;
- students who have not attained satisfactory scores on the fourth grade or seventh grade test should be provided special assistance that will enable them to bring reading skills up to grade level within a twelve (12) month period;
- data regarding individual test scores be entered on the student's cumulative record, where it will be subject to the policy of this Board regarding student records;
- the results of each school-wide, program-wide, and District-wide test be made part of the public record.

All eleventh grade students shall participate in the Michigan Merit Examination, unless excluded under the guidelines established by the State Department of Education.

A student who wants to repeat a State approved readiness assessment (other than the Michigan Merit Examination and any component) may repeat the assessment in the next school year or after graduation on a date when the District is administering the assessment. Only this type of repeat assessment testing will be without charge to the student.



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The District shall administer the complete Michigan Merit Examination to a student only once and shall not administer the complete Michigan Merit Examination to the same student more than once if the student has valid scores in some or all MME components. If a student does not take the complete Michigan Merit Examination in grade 11, the District shall administer the complete Michigan Merit Examination to the student in grade 12. If a student chooses to retake the college entrance examination component of the Michigan Merit Examination, the student may do so through the provider of the college entrance examination component and the cost of the retake is the responsibility of the student unless all of the following are met:

- A. the student has taken the complete Michigan Merit Examination
- B. the student did not qualify for a Michigan promise grant based on the student's performance on the complete Michigan Merit Examination
- C. the student meets the Federal income eligibility criteria for free breakfast, lunch, or milk
- D. the student has applied to the provider of the college entrance examination component for a scholarship or fee waiver to cover the cost of the retake and that application has been denied
- E. after taking the complete Michigan Merit Examination, the student has not already received a free retake of the college entrance examination component paid for either by the State of Michigan, or through a scholarship or fee waiver by the provider



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~~[[In addition to the testing programs, the Superintendent shall develop administrative guidelines whereby a portfolio is developed and maintained for each student.~~

| M.C.L. 380.1278a, 380.1279, 380.1279g, 390.1451 et seq., 380.1280b, **380.1280f**
A.C. Rule 340.1101 et seq.

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PROFESSIONAL STAFF
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REVISED POLICY - VOL. 31, NO. 2

EMPLOYMENT OF SUBSTITUTES

The Board of Education recognizes the need to procure the services of substitutes in order to continue the operation of the schools as a result of the absence of regular personnel.

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

The Superintendent shall employ substitutes for assignment as services are required to replace temporarily-absent regular staff members and fill new positions. Such assignment of substitutes may be terminated when their services are no longer required. Any substitute, however, who is employed **directly by the District** for 150 days or more during a school year of not less than 180 days, **except under circumstances identified in statute**, shall be given, during the balance of that year as well as during the succeeding school year, the first opportunity to accept or reject a contract for which the person is certified and qualified, provided that all other District teachers have been reemployed in accordance with the negotiated, collectively-bargained agreement.

Substitutes must possess a valid Michigan professional certificate and a permit, if substitute teaching in a subject for which s/he is not certified, except under the following circumstances:

- A. The Superintendent may employ noncertificated, nonendorsed substitutes to teach, in grades 9-12, a course in computer science, foreign language, mathematics, biology, chemistry, engineering, physics, robotics, or any other course approved by the State Board, providing they meet all of the conditions established by law and by the Superintendent.
- B. The Superintendent may also employ a substitute without a valid teaching certificate if the person has at least ninety (90) semester hours of college credit from a college or university.

In order to retain well-qualified substitutes for service in this District, the Board will offer competitive compensation at a rate set annually by the Board.



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PROFESSIONAL STAFF
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A substitute, employed **directly by the District** in one (1) specific teaching position, shall, after sixty (60) consecutive days in that assignment, be paid a salary not less than the minimum salary on the current salary schedule and granted the privileges provided regular staff.

A substitute shall be paid:

- ~~() actual hours worked.~~
~~() a minimum of _____ hours once the substitute is called.~~



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

- A. Assurance that the person or entity will furnish the School District with qualified teachers in accordance with the School Code and any implementing rules and regulations.
- B. Assurance that the person or entity will not furnish to the School District any teacher who, if employed directly by the School District, would be ineligible for employment by the District as a substitute teacher under the School Code.
- C. A description of the level of compensation and fringe benefits to be provided for the employees of the person or entity who are to be assigned to the District as substitute teachers.
- D. A description of the type and amounts of insurance coverage to be secured and maintained by the person or entity and the School District.



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PROFESSIONAL STAFF
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E. Assurance that the person or entity, before assigning an individual to serve as a substitute teacher in the District, will comply with and provide to the Board the criminal history record information obtained under section 1230 and with the results of the criminal record check under section 1230a of the School Code.

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

| M.C.L. ~~380.1229A~~, -380.1230, 380.1230a, 380.1230g, 380.1233, 380.1531
| M.C.L. 380.1236, 380.1236a
| A.C. Rule 390.1105(1), 390.1141(2). **390.1146**

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EOLA of MICHIGAN
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ADMINISTRATION
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REVISED POLICY - VOL. 32, NO. 2 - FEBRUARY 2018

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").¹ 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.



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ADMINISTRATION
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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.

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.



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~~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.~~

All CHRI received from the State Police or produced by the State Police and received by the District from another proper source, will be maintained pursuant to Policy 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 of receipt of the original report of the conviction.



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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.

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.



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~~CHRI~~riminal 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.

¹ 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.

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

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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").¹ 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.

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.



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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.~~

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

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.



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~~CHRI~~riminal 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.

¹ 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.

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

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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.

Such Private Contractor(s) cannot receive or retain criminal history record information ("CHRI").¹ 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.



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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.

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 1 **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.



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~~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.~~

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



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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, as part of his/her employment application or as required by State law for continued employment.

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.

~~CHRI~~riminal 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.

¹ 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.

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

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REVISED POLICY - VOL. 32, NO. 2 - FEBRUARY 2018

CONTROLLED SUBSTANCE AND ALCOHOL POLICY FOR
COMMERCIAL MOTOR VEHICLE (CMV) DRIVERS AND OTHER
EMPLOYEES WHO PERFORM SAFETY SENSITIVE FUNCTIONS

Purpose

The Board of Education believes that the safety of students while being transported to and from school or school activities is of utmost importance and is the primary responsibility of the driver of the school vehicle. To fulfill such a responsibility, each driver, as well as others who perform safety-sensitive functions with District vehicles (**collectively "Covered Employees"**), must be mentally and physically alert at all times while on duty.

To that end, the Board has established this policy, which includes an alcohol and controlled substances testing program. The Board **also** expects all ~~Drivers~~ **Covered Employees** to comply with Board Policy 4122.01 on Drug Free Workplace which prohibits the possession, use, sale, or distribution of alcohol and any controlled substance on school property at all times.

Further, the Board concurs with the Federal requirement that all ~~Drivers~~ **Covered Employees** should be free of any influence of alcohol or controlled substance while on duty. Therefore, participation in the alcohol and controlled substances testing program is a condition of employment for all ~~Drivers~~ **Covered Employees**.

Covered Employees

~~This policy covers all commercial driver's license (CDL) holders and regular and substitute bus drivers as well as other staff who operate, inspect, service and condition a commercial motor vehicle (CMV) while on duty, regardless of whether they are required to hold a CDL.~~

~~|| This policy also covers other staff members who drive students in or inspect, service, and condition non-CMV District vehicles.~~



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Definitions

For purposes of this policy and the guidelines associated with the policy, the following definitions shall apply.

- A. The term *alcohol* means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl or isopropyl alcohol. ~~This term is a volume breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test as described herein.~~
- B. **The term *illegal drug* means drugs and controlled substances, the possession or use of which is unlawful, pursuant to Federal, State, and/or local laws and regulations.**
- B-C. The term *controlled substance* includes any illegal drug, ~~the possession or use of which is unlawful pursuant to Federal, State and local laws and regulations,~~ and any drug that is being used illegally, such as a prescription drug that was not legally obtained or not used for its intended purposes or in its prescribed quantity. The term does not include any legally-obtained prescription drug used for its intended purpose in its prescribed quantity unless such use would impair the individual's ability to safely perform safety-sensitive functions. ~~This term includes, but is not limited to, marijuana metabolites, cocaine metabolites, amphetamines, opiate metabolites, phenylethidine (PCP).~~
- C-D. The term *controlled substance abuse* includes excessive use of alcohol as well as prescribed drugs not being used for prescribed purposes, in a prescribed manner, or in the prescribed quantity.
- D-E. The term *safety-sensitive functions* includes ~~waiting to be dispatched, inspecting equipment, servicing, driving, loading or unloading District vehicles, as well as repairing, obtaining assistance, or remaining in attendance upon a disabled District vehicle.~~ **all tasks associated with the operation and maintenance of District owned and/or operated vehicles.** This term further includes any period in which an individual is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.



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E.F. The term **Covered Employee** means all commercial driver license (CDL) holders and regular and substitute bus drivers as well as other staff who operate, inspect, service and condition a commercial motor vehicle (CMV) while on duty, regardless of whether they are required to hold a CDL. ~~CDL license holder means all Driver CDL holders and regular and substitute bus drivers who operate a commercial motor vehicle while on duty, as well as other staff members who operate, inspect, service and condition a commercial motor vehicle (CMV) while on duty, regardless of whether they are required to hold a CDL.~~



This policy also covers other staff members who drive students in or inspect, service, and condition non-CMV District vehicles.

F.G. The term *while on duty* means all time from the time the ~~Driver~~ **Covered Employee** begins to work or is required to be in readiness for work until the time s/he is relieved from work and all responsibility for performing work.

Procedures

The Superintendent shall establish a drug and alcohol testing program whereby each ~~Driver~~ **Covered Employee** is tested for the presence of alcohol in his/her system as well as for the presence of the following controlled substances:

- A. Marijuana
- B. Cocaine
- C. ~~Opiates~~ **Opioid**
- D. Amphetamines
- E. Phencyclidine (PCP)



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The alcohol and controlled substances tests are to be conducted in accordance with Federal and State regulations a.) prior to employment (**Controlled Substances Only**), b.) reasonable suspicion, c.) upon return to duty after any alcohol or drug rehabilitation,

[OPTION #1]

d.) after any accident 1) resulting in human death, 2) where the driver is issued a citation and the accident results in an injury that requires immediate medical attention away from the scene, or 3) where there is disability damage to any motor vehicle that requires towing **[END OF OPTION]**



[OPTION #2]

d.) after any accident,

[NOTE: must select one option. Option #1 mirrors the DOT regulations; Option #2 provides a more affirmative approach to drivers who are primarily involved with transporting children.]

e.) on a random basis, and f.) on a follow-up basis.

Candidates shall also be tested for the presence of alcohol in their system prior to employment.

Any staff member who tests positive as defined in the guidelines shall be **immediately prohibited from driving any District owned and/or operated vehicle or conducting a safety sensitive function:**

~~() immediately prohibited from driving any District vehicle or conducting a safety sensitive function;~~

() **and** evaluated by a substance abuse professional;

() **and** provided information regarding drug/alcohol counseling; or referred to the District's Employee Assistance Program;



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and subject to discipline, up to and including discharge, in accordance with District guidelines and the terms of any applicable collective bargaining agreements.

No staff member who has tested positive for alcohol or a controlled substance may be returned to a safety sensitive position without having been evaluated by a qualified substance abuse professional (SAP), ~~completed~~ **completing** any required treatment program, and ~~passed~~ **passing** a retest. Return to a safety sensitive position is solely at the District's discretion.

Furthermore, if during any test the lab determines that an adulterant has been added to the specimen, then:

the test will be considered positive and the employee shall be prohibited from driving any school vehicle and be referred to the District's Employee Assistance Program.

the employee will be re-tested with an observed collection to prevent the addition of an adulterant to the specimen.

Any staff member who refuses to submit to a test shall be prohibited from performing or continuing to perform his/her safety-sensitive functions (e.g., driving any Board-owned vehicle).

Prior to the beginning of the testing program, the District shall provide a **drug-free awareness program which will inform** ~~training for all employees, including Drivers Covered Employees~~ and their supervisors, about:

- A. the dangers of illegal drug use and controlled substance and alcohol abuse;
- B. indicators of probable alcohol misuse and controlled substance abuse;
- C. Board Policy 4122.01 - Drug-Free Workplace, Policy 4161 - Unrequested Leaves of Absence/Fitness for Duty, Policy 4170 - Substance Abuse, and Policy 4170.01 - Employee Assistance Program;



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D. the sanctions that may be imposed for violations of Policy 4122.01.

The Superintendent shall arrange for periodic retraining of supervisors and staff members as necessary. The Superintendent shall provide a copy of this policy and testing guidelines to all ~~Drivers~~ **Covered Employees** and will include available resources to assist employees with problems related to the use of alcohol and controlled substances.

The Superintendent shall submit, for Board approval, a contract with a certified laboratory to provide the following services:

- A. testing of all first and second test urine samples
- B. clear and consistent communication with the District's Medical Review Officer (MRO)
- C. methodology and procedures for conducting random tests for controlled substances and alcohol
- D. preparation and submission of all required reports to the District, the MRO, and to Federal and State governments

The Superintendent shall also select the agency or persons who will conduct the alcohol breathalyzer tests, the District's MRO, and the drug collection site(s) in accordance with the requirements of the law.



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Educational materials explaining the requirements of the Federal regulations and of the Board's policies and procedures to meet the Federal regulations shall be provided to all Covered Employees, including the following:

- A. the name of the person designated by the Board to answer questions about the materials
- B. information sufficient to make clear to employees the period of the work day during which they are required to comply with the regulations
- C. information concerning what conduct is prohibited
- D. the circumstances under which employees are subject to testing
- E. the procedures for testing in order to protect the employee and the integrity of the testing process, to safeguard the validity of the test results, and to confirm the results are attributed to the correct employee
- F. the requirement that staff members must submit to testing as required by the regulations
- G. an explanation of what constitutes a refusal to be tested and the attendant consequences
- H. the consequences of testing positive, including the requirements of immediate removal from safety-sensitive functions, and the procedures regarding referral, evaluation, and treatment
- I. the consequences for a test indicating an alcohol concentration greater than 0.02, and



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- J. information concerning the effects of alcohol and drug misuse on an individual's health, work, and personal life; signs and symptoms of an alcohol problem (the employee's or a co-worker's); and available methods of intervening when a drug or alcohol problem is suspected (including confrontation and how to refer someone to an Employee Assistance Program or to management).

49 C.F.R. 382.101 et. seq.
34 C.F.R. Part 40

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REVISED POLICY - VOL. 32, NO. 2 - FEBRUARY 2018

ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS

The Board of Education establishes the following policy for determining eligibility to attend the schools of this District.

- A. The Board will educate, tuition-free, students who are legal residents of the District, **regardless of their citizenship or immigration status. The Board shall meaningfully communicate material information about enrollment requirements and procedures with parents, including parents who have limited proficiency in English. Access to information regarding enrollment requirements and procedures shall be available on the District's web site.** Proof of residency will be required for registration in the District. Legal residency means a student is residing with his/her parents, legal guardians, or a resident relative with power of attorney over the student. A student may attend school in this District tuition-free if a parent or legal guardian is a legal resident of the District, regardless of whether the parent or legal guardian has actual custody of the student. Legal residency, when living with a relative, must be based on the need for a suitable home and not for educational purposes.

If the student temporarily resides in another school district but attends school in this District (where one (1) parent resides), it is the obligation of the parents to provide transportation for the student from the home of the nonresident, custodial parent.

- B. The District shall provide a free education to those students who are considered by Federal law to be illegal aliens or considered to be homeless by State established criteria.
- C. A student who is a resident within the District by order of a juvenile or probate court or placed in the District as a ward of the State by an authorized agency shall be admitted tuition-free.
- D. Any student who enrolls in the District under the District's schools of choice program.



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E. A child who is placed in foster care by a court of competent jurisdiction shall be admitted tuition-free, without regard to residency, to a school within the District, as selected by the State Department of Human Services or the child placing agency responsible for placement of that child.

F ~~XX~~

Foreign students, participating in a bona fide, foreign-exchange program and living with a resident host family, will be admitted tuition-free.

G ~~XX~~

Students whose parents do not reside within the District, but who present evidence that they will move into the District within a short period of time may enroll in the schools of this District as tuition students for the time not in residence.

H ~~XX~~

Twelfth grade students who have begun their work toward graduation from the District's high school and whose parents no longer reside within the District may be permitted to complete their high school education as tuition students.

I ~~XX~~

A resident student, otherwise eligible to attend school in the District, may be denied admission if s/he has a record of behavior that the Superintendent believes would constitute a threat to the safety and well-being of staff and other students.

J ~~XX~~

A nonresident student placed with the District for educational reasons by a juvenile or probate court order shall be admitted tuition-free.

K ~~XX~~

Students enrolled in the special education program of this District whose parents do not reside within the District may attend as tuition students.

L ~~XX~~

Nonresidents may be accepted into the District's Adult Education Classes upon payment of the appropriate fees.

M ~~XX~~

Nonresident students may be accepted into the District's Summer School Program.



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NK

A student who is the child of a person who is employed by the District, including an adopted child or legal ward.

M.C.L. 380.1148, 1401 et seq., 388.1606
Emancipation of Minors Act, Section 4, Subsection 6
Public Law 100-77, Section 721, 42 U.S.C. 11431
Stewart McKinney Homeless Assistance Amendment Act of 1990
PA 203 of 1994, Sec. 163a (1) & (2)

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REVISED POLICY - VOL. 31, NO. 2

BULLYING AND OTHER AGGRESSIVE BEHAVIOR TOWARD
STUDENTS

It is the policy of the District to provide a safe and nurturing educational environment for all of its students.

This policy protects all students from bullying/aggressive behavior regardless of the subject matter or motivation for such impermissible behavior.

Bullying or other aggressive behavior toward a student, whether by other students, staff, or third parties, including Board members, parents, guests, contractors, vendors, and volunteers, is strictly prohibited. This prohibition includes written, physical, verbal, and psychological abuse, including hazing, gestures, comments, threats, or actions to a student, which cause or threaten to cause bodily harm, reasonable fear for personal safety or personal degradation.

Demonstration of appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment or bullying is expected of administrators, faculty, staff, and volunteers to provide positive examples for student behavior.

This policy applies to all "at school" activities in the District, including activities on school property, in a school vehicle, and those occurring off school property, if the student or employee is at any school-sponsored, school-approved or school-related activity or function, such as field trips or athletic events where students are under the school's control, or where an employee is engaged in school business. Misconduct occurring outside of school may also be disciplined if it interferes with the school environment.

Notification

Notice of this policy will be annually circulated to and posted in conspicuous locations in all school buildings and departments within the District and discussed with students, as well as incorporated into the teacher, student, and parent/guardian handbooks. State and Federal rights posters on discrimination and harassment shall also be posted at each building. All new hires will be required to review and sign off on this policy and the related complaint procedure.



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Parents or legal guardians of the alleged victim(s), as well as of the alleged aggressor(s), shall be promptly notified of any complaint or investigation as well as the results of the investigation to the extent consistent with student confidentiality requirements. A record of the time and form of notice or attempts at notice shall be kept in the investigation file.

To the extent appropriate and/or legally permitted, confidentiality will be maintained during the investigation process. However, a proper investigation will, in some circumstances, require the disclosure of names and allegations. Further, the appropriate authorities may be notified, depending on the nature of the complaint and/or the results of the investigation.

Reporting

No later than May 30, 2015, the District shall submit to the Department of Education a copy of this Policy.

The District shall report incidents of bullying to the Department of Education on an annual basis according to the form and procedures established by the Department of Education.

Should this Policy be amended or otherwise modified, the District shall submit a copy of the amended or modified Policy to the Department of Education no later than thirty (30) days after adopting the modification.

Implementation

The Superintendent is responsible to implement this policy, and may develop further guidelines, not inconsistent with this policy.

This policy is not intended to and should not be interpreted to interfere with legitimate free speech rights of any individual. However, the District reserves the right and responsibility to maintain a safe environment for students, conducive to learning and other legitimate objectives of the school program.



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Procedure

Any student who believes s/he has been or is the victim of bullying, hazing, or other aggressive behavior should immediately report the situation to the Principal or assistant principal. The student may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate administrator or Board official. Complaints against the building principal should be filed with the Superintendent. Complaints against the Superintendent should be filed with the Board President.

A student may also submit a report or complaint to any of the above designated individuals through email, voicemail, regular mail or by leaving a sealed note addressed to the individual at that person's office or desk. The student may submit a report or complaint anonymously, but this may affect the ability to fully investigate the matter, when the complaining student is not available to provide additional information during the course of the investigation.

The identity of a student who reports bullying, hazing or aggressive behavior, as well as those students who provide information during an investigation will remain confidential to the extent possible and to the extent allowable by law. Only school personnel directly involved in the investigation of the complaint or responsible for remedying any violations will be provided access to the identity of the complaining student(s) and student witnesses, and then only to the extent necessary to effectively deal with the situation.

The identity of the student who files the report or complaint will not be voluntarily shared with the alleged perpetrator(s) or the witnesses unless the student (and his/her parent/guardian) give written permission to do so. Any investigation report will likewise not be voluntarily produced with the names of the reporting student(s) or witnesses. However, under certain circumstances, the District may be required by law to disclose the report and/or the student(s) names. Also, under certain circumstances, the identity of the reporting student may become obvious even without disclosure by school personnel.

Every student is encouraged, and every staff member is required, to report any situation that they believe to be aggressive behavior directed toward a student. Reports shall be made to those identified above. While reports may be made anonymously, formal disciplinary action may not be taken solely on the basis of an anonymous report without other corroborating evidence.



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The Principal (or other designated administrator) shall promptly investigate and document all complaints about bullying, aggressive or other behavior that may violate this policy. The investigation must be completed as promptly as the circumstances permit

~~X~~ and should be completed within three (3) school days
after a report or complaint is made.

If the investigation finds an instance of bullying or aggressive behavior has occurred, it will result in prompt and appropriate remedial action. This may include up to expulsion for students, up to discharge for employees, exclusion for parents, guests, volunteers and contractors, and removal from any official position and/or a request to resign for Board members. Individuals may also be referred to law enforcement or other appropriate officials.

If, during an investigation of a reported act of harassment, intimidation and/or bullying/cyberbullying, the Principal or appropriate administrator believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Principal will report the act of bullying and/or harassment to one of the Anti-Harassment Compliance Officers so that it may be investigated in accordance with the procedures set forth in Policy 5517 - Anti-Harassment.

The individual responsible for conducting the investigation shall document all reported incidents and report all verified incidents of bullying, aggressive or other prohibited behavior, as well as any remedial action taken, including disciplinary actions and referrals, to the Superintendent. The Superintendent shall submit a compiled report to the Board on an annual basis.

Non-Retaliation/False Reports

Retaliation or false allegations against any person who reports, is thought to have reported, files a complaint, participates in an investigation or inquiry concerning allegations of bullying or aggressive behavior (as a witness or otherwise), or is the target of the bullying or aggressive behavior being investigated, is prohibited and will not be tolerated. Such retaliation shall be considered a serious violation of Board policy, independent of whether a complaint of bullying is substantiated. Suspected retaliation should be reported in the same manner as bullying/aggressive behavior.



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Making intentionally false reports about bullying/aggressive behavior for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated. Retaliation and intentionally false reports may result in disciplinary action as indicated above.

Prevention/Training/Restorative Practices [OPTIONAL]

- The Superintendent shall establish
 - a Bullying Prevention Task Force.
 - a program or other initiatives involving school staff, students, clubs or other student groups, administrators, volunteers, parents, law enforcement, community members, and other stakeholders, aimed at the prevention of bullying or other aggressive behavior.

- The District shall provide, and all administrators, school employees, contracted employees and volunteers who have significant contact with students shall undertake
 - annual
 - OR**
 - _____ **[insert frequency]**training on preventing, identifying, responding to, and reporting incidents of bullying and other aggressive behavior.

- The District shall provide, and all students shall undertake, annual training on preventing, identifying, responding to, and reporting incidents of bullying, cyber bullying and other aggressive behavior.



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The District shall provide and all parents or legal guardians

shall

OR

shall be offered the opportunity to

undertake annual training on preventing, identifying, responding to, and reporting incidents of bullying, cyber bullying and other aggressive behavior.

The District will utilize restorative practices that emphasize repairing the harm to the victim and school community in the correction of bullying behavior, which may include victim-offender conferences that:

- A. are initiated by the victim;**
- B. are approved by the victim's parent or legal guardian or, if the victim is at least 15, by the victim;**
- C. are attended voluntarily by the victim, a victim advocate, the offender, members of the school community, and supporters of the victim and the offender (the "restorative practices team");**
- D. would provide an opportunity for the offender to accept responsibility for the harm caused to those affected, and to participate in setting consequences to repair the harm, such as requiring the student to apologize; participate in community service, restoration of emotional or material losses, or counseling; pay restitution; or any combination of these. The selected consequences and time limits for their completion will be incorporated into an agreement to be signed by all participants.**

[END OF OPTIONS]



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Definitions

The following definitions are provided for guidance only. If a student or other individual believes there has been bullying, hazing, harassment or other aggressive behavior, regardless of whether it fits a particular definition, s/he should report it immediately and allow the administration to determine the appropriate course of action.

"Aggressive behavior" is defined as inappropriate conduct that is repeated enough, or serious enough, to negatively impact a student's educational, physical, or emotional well-being. Such behavior includes, for example, bullying, hazing, stalking, intimidation, menacing, coercion, name-calling, taunting, making threats, and hitting/pushing/shoving.

"At School" is defined as in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises. It also includes conduct using a telecommunications access device or telecommunications service provider that occurs off school premises if either owned by or under the control of the District.

"Bullying" is defined as any written, verbal, or physical acts, including cyber bullying (i.e. any electronic communication, including, but not limited to electronically transmitted acts, such as internet, telephone or cell phone, personal digital assistant (PDA), or wireless hand held device) that, without regard to its subject matter or motivating animus, is intended or that a reasonable person would know is likely to harm one (1) or more students either directly or indirectly by doing any of the following:

- A. substantially interfering with educational opportunities, benefits, or programs of one (1) or more students;
- B. adversely affecting the ability of a student to participate in or benefit from the school district's educational programs or activities by placing the student in reasonable fear of physical harm or by causing substantial emotional distress;
- C. having an actual and substantial detrimental effect on a student's physical or mental health; and/or



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- D. causing substantial disruption in, or substantial interference with, the orderly operation of the school.

Bullying can be physical, verbal, psychological, or a combination of all three. Some examples of bullying are:

- A. Physical – hitting, kicking, spitting, pushing, pulling; taking and/or damaging personal belongings or extorting money, blocking or impeding student movement, unwelcome physical contact.
- B. Verbal – taunting, malicious teasing, insulting, name calling, making threats.
- C. Psychological – spreading rumors, manipulating social relationships, coercion, or engaging in social exclusion/shunning, extortion, or intimidation. This may occur in a number of different ways, including but not limited to notes, emails, social media postings, and graffiti.

"Harassment" includes, but is not limited to, any act which subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written or physical nature, often on the basis of age, race, religion, color, national origin, marital status or disability, but may also include sexual orientation, physical characteristics (e.g., height, weight, complexion), cultural background, socioeconomic status, or geographic location (e.g., from rival school, different state, rural area, city, etc.).

"Intimidation/Menacing" includes, but is not limited to, any threat or act intended to: place a person in fear of physical injury or offensive physical contact; to substantially damage or interfere with person's property; or to intentionally interfere with or block a person's movement without good reason.

"Staff" includes all school employees and Board members.



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"**Third parties**" include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors, vendors, or others engaged in District business, and others not directly subject to school control at inter-district or intra-district athletic competitions or other school events.

For further definition and instances that could possibly be construed as:

Harassment, see Policy 5517;
Hazing, see Policy 5516.

| M.C.L. 380.1310**Bb** (Matt's Safe School Law, PA 241 of 2011), PA 478 of 2014
Policies on Bullying, Michigan State Board of Education
Model Anti-Bullying Policy, Michigan State Board of Education

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REPLACEMENT POLICY - VOL. 32, NO. 2 - FEBRUARY 2018

WEB ACCESSIBILITY, CONTENT, APPS AND SERVICES

A. **Creation of Content for Web Pages/Sites, Apps and Services**

The Board of Education authorizes staff members

~~IX~~ and students

to create content, apps and services (see Bylaw 0100 Definitions) that will be hosted by the Board on its servers or District-affiliated servers and/or published on the Internet.

The content, apps and services must comply with applicable State and Federal laws (e.g., copyright laws, Children's Internet Protection Act (CIPA), Section 504 of the Rehabilitation Act of 1973 (Section 504), Americans with Disabilities Act (ADA), Student Online Personal Protection Act (SOPPA) and Children's Online Privacy Protection Act (COPPA)), and reflect the professional image/brand of the District, its employees, and students. Content, apps and services must be consistent with the Board's Mission Statement and staff-created web content, services and apps are subject to prior review and approval of the Superintendent before being published on the Internet and/or used with students.

[NOTE: CHOOSE ONE, BOTH, OR NONE OF THE FOLLOWING OPTIONS.]

~~IX~~ Student-created content, apps and services are subject to Policy 5722 - School-Sponsored Student Publications and Productions.

~~II~~ The creation of content, apps and services by students must be done under the supervision of a professional staff member.

[END OF OPTIONS]



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B. Purpose of Content of District Web Pages/Sites, Apps and Services

The purpose of content, apps and services hosted by the Board on its servers or District-affiliated servers is to educate, inform, and communicate. The following criteria shall be used to guide the development of such content, apps and services:

1. **Educate**

Content should be suitable for and usable by students and teachers to support the curriculum and the Board's Objectives as listed in the Board's Strategic Plan.

2. **Inform**

Content may inform the community about the school, teachers, students, or departments, including information about curriculum, events, class projects, student activities, and departmental policies.

3. **Communicate**

Content may communicate information about the plans, policies and operations of the District to members of the public and other persons who may be affected by District matters.

The information contained on the Board's website(s) should reflect and support the Board's Mission Statement, Educational Philosophy, and the School Improvement Process.

When the content includes a photograph or personally identifiable information relating to a student, the Board will abide by the provisions of Policy 8330 - Student Records.



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Under no circumstances is District-created content, apps and services, to be used for commercial purposes, advertising, political lobbying or to provide financial gains for any individual. Included in this prohibition is the fact no web content contained on the District's website may:

1. include statements or other items that support or oppose a candidate for public office, the investigation, prosecution or recall of a public official, or passage of a tax levy or bond issue;
2. link to a website of another organization if the other website includes such a message; or
3. communicate information that supports or opposes any labor organization or any action by, on behalf of, or against any labor organization.

~~X~~ Under no circumstances is staff member-created content, apps and services, including personal web pages/sites, to be used to post student progress reports, grades, class assignments, or any other similar class-related material. Employees are required to use the Board-specified website, app or service (e.g., PowerSchool, **[Progressbook]**) for the purpose of conveying information to students and/or parents.
and Google Classroom

~~X~~ Staff members are prohibited from requiring students to go to the staff member's personal web pages/sites (including, but not limited to, their Facebook, Instagram, Pinterest pages) to check grades, obtain class assignments and/or class-related materials, and/or to turn in assignments.

~~X~~ If a staff member creates content, apps and services, related to his/her class, it must be hosted on the Board's server or a District-affiliated server.



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~~PK~~

Unless the content, apps and services contains student personally-identifiable information, Board websites, apps and web services that are created by students and/or staff members that are posted on the Internet should not be password protected or otherwise contain restricted access features, whereby only employees, student(s), or other limited groups of people can access the site. Community members, parents, employees, staff, students, and other website users will generally be given full access to the Board's website(s), apps and web services.

Web content, apps and web services should reflect an understanding that both internal and external audiences will be viewing the information.

School web pages/sites, apps and web services must be located on Board-owned or District-affiliated servers.

The Superintendent shall prepare administrative guidelines defining the rules and standards applicable to the use of the Board's website and the creation of web content, apps and web services by staff ~~PK~~ and students.

The Board retains all proprietary rights related to the design of web content, apps and web services that are hosted on Board-owned or District-affiliated servers, absent written agreement to the contrary.

Students who want their class work to be displayed on the Board's website must have written parent permission and expressly license its display without cost to the Board.

Prior written parent permission is necessary for a student to be identified by name on the Board's website.



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C. Website Accessibility

The District is committed to providing persons with disabilities an opportunity equal to that of persons without disabilities to participate in the District's programs, benefits, and services, including those delivered through electronic and information technology, except where doing so would impose an undue burden or create a fundamental alteration. The District is further committed to ensuring persons with disabilities are able to acquire the same information, engage in the same interactions, and enjoy the same benefits and services within the same timeframe as persons without a disability, with substantially equivalent ease of use; that they are not excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any District programs, services, and activities delivered online, as required by Section 504 and Title II of the ADA and their implementing regulations; and that they receive effective communication of the District's programs, services, and activities delivered online.

The District adopts this policy to fulfill this commitment and affirm its intention to comply with the requirements of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794, 34 C.F.R. Part 104, and Title II of the Americans With Disabilities Act of 1990, 42 U.S.C. Section 12131 and 28 C.F.R. Part 35 in all respects.

1. **Technical Standards**

The District will adhere to the technical standards of compliance identified at [INSERT link to District website]. The District measures the accessibility of online content and functionality according to the World Wide Web Consortium's Web Content Accessibility Guidelines (WCAG) 2.0 Level ~~AA~~, and the Web Accessibility Initiative - Accessible Rich Internet Applications Suite (WAI-ARIA 1.1) for web content. ~~an~~ [insert another acceptable standard selected by the District].

✓ [DRAFTING NOTE: OCR recommends WCAG 2.0 Level AA.]



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2. **Web Accessibility Coordinator**

The Board designates its Section 504/ADA Compliance Coordinator(s) () Technology Director () _____ as the District's Web Accessibility Coordinator(s). That individual(s) is responsible for coordinating and implementing this policy.

[SELECT OPTION #1 OR #2]

[OPTION #1]

See Board Policy 2260.01 for the Section 504/ADA Compliance Coordinator(s)' contact information.

[OPTION #2]

The District's Web Accessibility Coordinator(s) can be reached at:

[INSERT NAME or TITLE, ADDRESS, E-MAIL, PHONE]

[END OF OPTIONS]



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3. Third Party Content

Links included on the Board's website(s) or web services and apps that pertain to its programs, benefits and/or services must also meet the above criteria and comply with State and Federal law (e.g. copyright laws, CIPA, Section 504, ADA, SOPPA and COPPA). While the District strives to provide access through its website to online content provided or developed by third parties (including vendors, video-sharing websites, and other sources of online content) that is in an accessible format, that is not always feasible. The District's administrators and staff, however, are aware of this requirement with respect to the selection of online content provided to students. The District's Web Accessibility Coordinator or his/her designees will vet online content available on its website that is related to the District's programs, benefits and/or services for compliance with this criteria for all new content placed on the District's website after adoption of this policy.

Nothing in the preceding paragraph, however, shall prevent the District from including links on the Board's website(s) to:

- a. recognized news/media outlets (e.g., local newspapers' websites, local television stations' websites), or
- b. websites, services and/or apps that are developed and hosted by outside vendors or organizations that are not part of the District's program, benefits, or services.

The Board recognizes that such third party websites may not contain age-appropriate advertisements that are consistent with the requirements of Policy 9700.01, AG 9700B, and State and Federal law.



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4. **Regular Audits**

The District, under the direction of the Web Accessibility Coordinator(s) or his/her/their designees, will, at regular intervals, audit the District's online content and measure this content against the technical standards adopted above.

[OPTION]

This audit will occur no less than once every two years.

[END OF OPTION]

If problems are identified through the audit, such problems will be documented, evaluated, and, if necessary, remediated within a reasonable period of time.

5. **Reporting Concerns or Possible Violations**

If any student, prospective student, employee, guest, or visitor believes that the District has violated the technical standards in its online content, s/he may contact the Web Accessibility Coordinator with any accessibility concerns. S/he may also file a formal complaint utilizing the procedures set out in Board Policies 2260 and 2260.01 relating to Section 504 and Title II.



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D. Instructional Use of Apps and Web Services

The Board authorizes the use of apps and web services to supplement and enhance learning opportunities for students either in the classroom or for extended learning outside the classroom.

[SELECT OPTION #1 or #2]

[OPTION #1]

The Board requires the () Superintendent () _____ pre-approve each app and/or web service that a teacher intends to use to supplement and enhance student learning. To be approved, the app and/or web service must have a FERPA-compliant privacy policy, as well as comply with all requirements of the Children's Online Privacy Protection Act (COPPA), Student Online Personal Protection Act (SOPPA) and the Children's Internet Protection Act (CIPA) () and Section 504 and the ADA.

[END OF OPTION #1]

[OPTION #2]

A teacher who elects to supplement and enhance student learning through the use of apps and/or web services is responsible for verifying/certifying to the Superintendent () _____ that the app and/or web service has a FERPA-compliant privacy policy, and it complies with all requirements of the Children's Online Privacy Protection Act (COPPA), Student Online Personal Protection Act (SOPPA) and the Children's Internet Protection Act (CIPA) () and Section 504 and the ADA.

[END OF OPTION #2]



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The Board further requires

- the use of a Board-issued e-mail address in the login process.
- prior written parental permission to use a student's personal e-mail address in the login process.

E. Training

The District will provide annual periodic training for its employees who are responsible for creating or distributing information with online content so that these employees are aware of this Policy and understand their roles and responsibilities with respect to web design, documents and multimedia content.

F. One-Way Communication Using District Web Content, Apps and Services

The District is authorized to use web pages/sites, apps and services to promote school activities and inform stakeholders and the general public about District news and operations.

Such communications constitute public records that will be archived.

When the Board or Superintendent designates communications distributed via District web pages/sites, apps and web services to be one-way communication, public comments are not solicited or desired, and the web site, app or web service is to be considered a nonpublic forum.

If the District uses an apps and web service that does not allow the District to block or deactivate public comments (e.g., Facebook, which does not allow comments to be turned-off, or Twitter, which does not permit users to disable private messages or mentions/replies), the District's use of that apps and web service will be subject to Policy 7544 – Use of Social Media, unless the District is able to automatically withhold all public comments.



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If unsolicited public comments can be automatically withheld, the District will retain the comments in accordance with its adopted record retention schedule (see AG 8310A – Public Records, and AG 8310E – Record Retention and Disposal), but it will not review or consider those comments.

[DRAFTING NOTE: Districts are advised to adopt a new category of records that covers such “hidden public comments” on social media. Unless dictated by State law, retention periods established by the district for such unsolicited communications should be limited.]

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REVISED POLICY - VOL. 32, NO. 2 - FEBRUARY 2018

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 Payroll & Benefits Coordinator [insert designated administrator] shall be designated as the District's Security Officer ("LASO") 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, identifying 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 the point of contract for the Michigan State Police and should be the person most knowledgeable about this policy. 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"), 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 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.
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 Director of Finance + Operations **[Insert Designated Administrator]**. Except that, as noted in D(1)(a), individuals with a felony conviction of any kind will have their access 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 **requiring the individual to return any keys or access cards to buildings, offices, and/or files, or closing the individual's account and/or blocking access to any systems containing such information at the District.**
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 Vendors¹ - Prior to granting access to criminal justice information to an IT contractor or vendor, identification must be verified via a Michigan (or state of residency if other than Michigan) and national fingerprint-based criminal history record check. A felony conviction of any kind, as well as any outstanding arrest warrant, will disqualify an IT contractor or vendor for access to criminal justice information. A contractor or vendor with a criminal record of any other kind may be granted access if the LASO determines the nature or severity of the misdemeanor offense(s) does not warrant disqualification. If any other results/records are returned, the individual shall not be granted access until the LASO reviews and determines access is appropriate.

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.



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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~~ **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.



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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 **during the individual's active employment plus an additional six (6) 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 based on the State of Michigan's background information retention schedule and 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. **Personal Mobile Devices** – A personally owned mobile device (mobile phone, tablet, laptop, etc.) shall not be authorized to access, process, store or transmit criminal justice information unless the 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 **the "Agency User Agreement" (RI-087)**, an offer letter, employment agreement, new hire checklist, employment contract, volunteer background check form, etc.



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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.
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)



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H. Passwords (Standard Authentication)²

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)

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.



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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;
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.



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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.~~

~~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.~~
- ~~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.~~



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- ~~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.~~

~~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.~~

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

²Applicable 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.

Ref: Criminal Justice Information Services - Security Policy (Version 5.6, 2017),
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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