

MICHIGAN VIRTUAL CHARTER ACADEMY BOARD OF DIRECTORS' POLICIES

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ARTICLE I. ADMINISTRATION.

Section 1. Education Service Provider/Educational Management Company Services¹

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

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

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

Section 2. Responsibilities of the ESP/EMO.

The ESP/EMO shall provide administrators, teachers, instructional and non-instructional staff to work at or on behalf of the Academy necessary to deliver the Educational Program. The ESP/EMO shall direct and supervise the administrators, teachers, instructional and non-instructional staff assigned to work or who provide Services to the Academy. The ESP/EMO is charged with the responsibility to manage and operate the Academy and to implement the Academy’s Educational Program as adopted by the Academy Board. The ESP/EMO shall be directly responsible to the Academy Board for the “Services” and duties and responsibilities set forth in the negotiated agreement between the Academy and the ESP/EMO. The ESP/EMO shall work with the Academy Board to determine staffing needs and shall recommend to the Academy Board the number and identity of the administrative positions such as School Leader(s)/Director/Assistant Director, dean of students and the like, front office administrative personnel positions, and instructional and non-instructional staff.

In a situation in which action must be taken to maintain the orderly operation of the Academy, and no Academy Board policy or administrative guidelines, procedures or regulations govern the situation, the ESP/EMO is authorized to take appropriate action. The ESP/EMO shall thereafter

¹ The Academy Board may contract with a third-party staffing company to provide staff to the Academy. The “Services” provided to the Academy shall be set forth in the negotiated contract or agreement.

report the situation and the action taken to the Academy Board and shall recommend to the Academy Board whether a formal policy should be adopted. The Academy Board may decide whether to adopt a formal policy regarding the issue.

Section 3. Employer of ESP/EMO Staff.

Unless otherwise set forth in a written employment agreement between the Academy and an individual, the Academy and the Academy Board do not employ any employees or staff members who work at or on behalf of the Academy whether on or off the Academy's premises. The Head of School, principals, administrators, teachers, instructional and non-instructional staff who work at or provide services to the Academy shall be employed by the ESP/EMO or other third-party staffing company pursuant to a negotiated agreement between the Academy Board and the ESP/EMO or other third-party staffing company. The ESP/EMO or other third-party staffing company shall have the sole authority to hire, fire, promote, demote, reassign, discipline, evaluate, and terminate its employees/staff assigned to work at or on behalf of the Academy. The Academy and/or the Academy Board does not employ the contracted third-party employees and staff members assigned to work at or on behalf of the Academy and shall not be considered the employer or joint employer of the ESP/EMO or third-party staffing company employees or staff.

Section 4. ESP/EMO Employee Handbook.

The ESP/EMO or third-party staffing company is responsible for the development and issuance of Employee Handbooks for its employees/staff assigned to work for or on behalf of the Academy. The ESP/EMO or third-party staffing company shall ensure that its Employee Handbook is consistent with Academy Board policies, administrative guidelines, federal, state and local laws, rules and regulations, the Charter Contract and applicable Authorizer policies.

Section 5. Parent/Student Handbook.

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

Section 6. Organizational Chart.

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

Section 7. Job Descriptions.

The ESP/EMO or third-party staffing company shall develop and maintain job descriptions required by the Authorizer and included in the Charter Contract and shall develop and maintain job descriptions for any new positions in the Academy. The ESP/EMO or third-party staffing

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

Section 8. Evaluation of Administrators and Teachers by the ESP/EMO or Third-Party Staffing Company

The Academy Board delegates to the ESP/EMO or third-party staffing company the evaluation of all administrators and teachers assigned to work at or on behalf of the Academy. The administrator and teacher evaluations shall comply with Michigan laws, rules and regulations and shall be conducted in a timely manner as required by Michigan law.

Legal References: MCL §380.1249

Section 9. Academy Board Evaluation of ESP/EMO or Third-Party Staffing Company

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

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

The ESP/EMO or third-party staffing company shall have an opportunity to respond in writing to the Academy Board's written evaluation within 45 days of the Academy Board's formal evaluation of the ESP/EMO or third-party staffing company.

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

Section 10. Termination of the ESP/EMO or Third-Party Staffing Company.

The Academy Board may terminate its Educational Product and Services Agreement "EPSA" with the ESP/EMO in accordance with the terms and conditions of the negotiated EPSA Agreement.

Section 11. ESP/EMO’s or Third-Party Staffing Company’s Compliance with Applicable Federal, State and Local Laws, Rules, and Regulations, the Authorizer’s Charter Contract with the Academy and Academy Board Policies and Administrative Guidelines.

The ESP/EMO or third-party staffing company shall comply with all applicable federal, state and local laws, rules and regulations, the Authorizer’s Charter Contract with the Academy and Academy Board Policies and administrative guidelines.

ARTICLE II. CURRICULUM AND INSTRUCTION.

Section 1. Curriculum.

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

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

Section 2. Family Involvement.

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

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

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

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

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

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

Section 3. Title I Services.

The Academy Board elects to augment its Educational Program for educationally disadvantaged students by the use of Federal funds and in accordance with Title I of the Amendments to the Elementary and Secondary School Improvement of 1965, as reauthorized by Every Student Succeeds Act (ESSA).

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

Legal References: 20 USC §6301 *et seq.*

Section 4. Parental Participation in Title I Programs.

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

- A. Inform parents of the Title I programs, the reasons for their children's participation in the programs and the specific instructional objectives;
- B. Support parents to work with their children to attain instructional objectives;
- C. Train teachers and other staff involved in Title I programs to work effectively with the parents of participating students;
- D. Provide feedback to parents on a regular basis;
- E. Provide opportunities for parents to provide input into the design, operation and

evaluation of the Title I programs; and

- F. Provide opportunities for parents who lack literacy skills or whose native language is not English, to provide input.

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

Legal References: MCL §380.1294

Section 5. Parents' Right to Know.

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

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

Section 6. Special Education.

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

The Academy shall engage in "Child Find" which means that the Academy has an obligation to identify, locate and evaluate children with a disability that either have or are suspected of having a disability and need special education programs and services as a result of the child's

disability(ies). A parent/guardian may make a request to school staff for an evaluation for special education. A teacher or other staff member may refer a student to the Special Education Programs Manager, Child Find Coordinator, Principal, or the Head of School to request an evaluation of a student to determine whether a student is eligible for special education programs and services.

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

Legal References: Individual with Disabilities Education Act (IDEA), 20 USC §1400 *et seq.*;
34 CFR Part 300
Michigan's Mandatory Special Education Act (MMSEA), MCL
§380.1751 *et seq.*
Michigan Administrative Rules for Special Education (MARSE), Mich.
Admin. Code Rule 340.1701 *et seq.*

Section 7. Programs for Gifted Students.

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

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

Section 8. Students with Limited English Proficiency.

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

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

Section 9. Postsecondary (Dual) Enrollment Options.

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

The Academy will allow eligible high school students who meet the criteria established in its Curriculum Guidelines to enroll in eligible postsecondary courses while in attendance in the

Academy. The ESP/EMO shall allow a student in 9th grade or above, upon written request of his/her parent, to take approved readiness assessment(s) in order to establish eligibility for postsecondary enrollment. Students shall be eligible to receive appropriate credit for completing any of these courses provided the courses meet all requirements for the type of credit the student wishes to earn.

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

Legal References: MCL §388.513 *et seq.* and MCL §388.517

Section 10. Homebound Instruction.

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

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

Section 11. Career and Technical Education.

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

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

Section 12. Guidance and Counseling.

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

Section 13. Textbooks, Technology, and Other Essential Curricular Materials.

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

selection of textbooks, technology, and essential curricular materials to be recommended to the Academy Board.

Section 14. Parental Objections.

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

Legal References: MCL §380.1137

Section 15. Wellness.

The Academy Board recognizes the importance of promoting students' health, well-being and regular physical activity as part of the learning environment, in accordance with applicable state laws, rules and regulations. The Educational Service Provider (ESP) shall prepare and implement administrative guidelines and SMART Goals in accordance with applicable state law, rules and regulations. The ESP shall have the authority and responsibility to ensure that the Academy complies with this policy.

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

Wellness Committee

The Wellness Committee will represent all Academy levels (elementary, middle school and high school) and include to the extent possible, but not be limited to: parents, students, and health educators.

Wellness Policy Leadership

The Head of School and the Principals of the schools, or designees to be assigned by the Head of School are designated leaders for oversight for compliance of the Wellness Policy.

Nutrition

Nutrition Education

Every year, Academy K-12 students shall have the opportunity to receive nutrition education that is aligned with the Michigan Health Education Grade Level Content Expectations and the Michigan Merit Curriculum Guidelines for Health Education. Nutrition education that teaches the knowledge, skills and values needed to adopt healthy eating behaviors shall be integrated into the curriculum.

Physical Activity and Physical Education

The Academy shall offer physical education opportunities that include components of a quality physical education program. Physical education shall equip students with knowledge, skills and values necessary for life-long physical activity. Physical education instruction shall be aligned with the Michigan Physical Education Grade Level Content Expectations and the Michigan Merit Curriculum Guidelines for Physical Education.

Legal References: Michigan State Board of Education Model School Wellness Policy 2017

Section 16. Anti-Harassment and Non-Discrimination Policy

General Policy Statement

The Academy's policy is to maintain an education and work environment which is free from all forms of unlawful harassment and discrimination. This commitment applies to all Academy operations, programs, and activities. All students, third-party contracted employees and staff assigned to work at or on behalf of the Academy including, but not limited to: administrators, teachers, instructional and non-instructional staff (hereinafter collectively referred to as "ESP employees/staff") and all staff provided by third-party contractors/vendors who provide services to the Academy and/or Academy students share responsibility for avoiding, discouraging, and reporting unlawful harassment and discrimination.

This policy applies to unlawful conduct occurring at school, during the Academy Educational Program and process including, but not limited to, the On-Line Learning System ("OLS"), Class Connects, email, telephone, in-person or virtual conferences with ESP employees and staff and third-party contractor/vendors, on any premises or equipment owned, leased or used by the Academy, in a motor vehicle owned or leased by the Academy or being used for a school-related purpose or at any Academy-related event, activity or function; traveling by any means to or from school or a school-related event, activity, or function; and in any location where the conduct has a sufficient connection to or with the Academy, ESP employees/staff, staff provided by third-party contractors/vendors, Academy students or Academy property that adversely and significantly affects, interferes with or endangers the good order of the educational program or environment at school, the proper functioning of the educational process; or non-school locations which are used for purposes of the educational program, Academy-related event, activity or function.

The Academy prohibits harassment and discrimination based on race, color, national origin, sex, including sexual orientation and transgender identity, disability, age, religion, height, weight, marital or family status, military status, ancestry, genetic information, or any other protected class that are protected by federal or state civil rights laws and encourages those within the Academy community, as well as third parties, who feel aggrieved to seek assistance to rectify such problems. The Academy Board will investigate all allegations of harassment and/or discrimination and in those cases where unlawful harassment and/or discrimination is substantiated. The Academy Board will take appropriate action reasonably calculated to stop the harassment and/or discrimination and prevent further such harassment and/or discrimination. Individuals who are found to have engaged in unlawful harassment and/or discrimination will be subject to disciplinary action if a student, removal or exclusion from the Academy if a contracted staff member or vendor, or censure or removal if a board member.

The Academy prohibits such harassment and discrimination whether occurring at school as defined above or at any Academy related program, activity or event.

“Discrimination” means an action based in whole or in part on a student’s race, color, national origin, religion, sex, sexual orientation, gender identity, height, weight, marital status, military status, ancestry, age, genetic information or disability that are protected by federal or state civil rights laws, and encourages those within the Academy community, and third parties who feel that they have been discriminated against to file a complaint with a Civil Rights Compliance Officer listed below. In order to be the subject of redress under this Policy, the action must be found to be so severe or pervasive that it:

- affects the individual’s ability to benefit from the educational program;
- creates an intimidating, threatening, or hostile educational environment
- has the effect of substantially or unreasonably interfering with an individual’s academic performance; or
- otherwise adversely affects that individual’s educational opportunities.

"Harassment" for purposes of this Policy, means any threatening, insulting, bullying or dehumanizing gesture, use of technology, or written, verbal or physical conduct or acts or other conduct that is threatening, harmful or humiliating that is sufficiently severe, pervasive or persistent so that it:

- affects the individual’s ability to benefit from an educational program or activity;
- creates an intimidating, threatening or hostile educational environment;
- has the effect of substantially or unreasonably interfering with an individual’s academic performance;
- otherwise adversely affects that individual’s educational opportunities.
- has the effect of substantially disrupting the orderly operation of the Academy.

Harassment may include unwelcome verbal or physical conduct based on a protected class as identified above that has the purpose or effect of substantially interfering with a student’s education or enjoyment of public services.

Any student or other individual who believes that s/he has been the victim of illegal discrimination or harassment may seek resolution of his/her complaint through either the informal or formal procedures described below. The Academy Board has designated the individuals named below to serve as the Academy’s Compliance Officers with respect to all claims of discrimination or harassment, **other than complaints alleging sexual harassment under Title IX:**

Corista Johnson
Federal Programs Manager

conichols@k12.com

616.309.1600

5910 Tahoe Drive S.E.
Grand Rapids, Michigan 49546

David Krause

Counselor

dkrause@k12.com

616-309-1600

5910 Tahoe Drive S.E.
Grand Rapids, Michigan 48546

Informal Complaint Procedure

The informal complaint procedure is provided as a less formal option for a student who believes s/he has been discriminated against or harassed. This informal procedure is **not** required before filing a formal complaint. Moreover, a student who seeks resolution through the informal process may request, at any time, that the matter be moved to the formal complaint process.

A complaint alleging sexual violence will be addressed through the Academy's Title IX Grievance Procedure. All complaints of illegal discrimination or harassment by a third-party contracted employee or any other adult member of the School District community will also be addressed only through the formal complaint process.

Step 1

A student who believes s/he has been illegally discriminated against or harassed may make an informal complaint, either orally or in writing, to (1) a teacher, other staff member, or building administrator in the school the student attends; (2) the Head of School or other staff member; and/or (3) one of the Compliance Officers.

All informal complaints received by a staff member must be reported to a Compliance Officer within two (2) school days. The Compliance Officer will either facilitate an informal resolution as described below on his/her own or appoint another individual to facilitate an informal resolution. This reporting requirement applies to **all** complaints made by or on behalf of a student, regardless of where the conduct is alleged to have occurred.

Step 2

The Academy's informal complaint procedure is designed to provide students who believe they are being discriminated against or harassed with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the student or other person claiming discrimination or harassment, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the student about how to communicate the unwelcome nature of the behavior to the other person.
- B. Distributing a copy of the nondiscrimination and/or anti-harassment policies as a

reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.

- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the student claiming discrimination or harassment and the other individual to work out a mutual resolution. Such a meeting is **not** to be held in circumstances where sexual violence has been alleged.

Step 3

The Compliance Officer will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint.

All materials generated as part of the informal complaint process will be retained in a single location under the control of the Compliance Officer in accordance with the Academy Board's records retention policy and/or Student Records policy.

Formal Complaint Procedure

Step 1

A student or other individual who believes s/he has been subjected to discrimination or harassment may file a formal complaint, either orally or in writing, with a teacher, principal, or other staff member, a Compliance Officer or the Head of School. The Academy staff member must report such information to a Compliance Officer or designee within two (2) school days. This reporting requirement applies to **all** complaints made by or on behalf of a student, regardless of where the conduct is alleged to have occurred.

All formal complaints must include the following information to the extent it is available:

- A. the name and protected class of the alleged victim and, if different, the name and protected class of the person reporting the allegation;
- D. the nature of the allegation, a description of the incident(s), and the date(s) and time(s) (if known);
- E. the name(s) and protected classes of all persons alleged to have committed the alleged harassment, if known, or a description/identifying information available if the name is not known; and
- F. the name(s) or description/identifying information and protected classes of all known witnesses to the alleged incident.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Step 2

Within two (2) school days of receiving the formal complaint, the person who will conduct the investigation (the Compliance Officer or designee) will initiate a formal investigation to determine whether the Complainant has been subjected to discrimination or harassment. A Principal will not conduct an investigation unless directed to do so by the Compliance Officer.

Note: Upon receiving a formal complaint, the person who will be conducting the investigation shall consider whether any action should be taken during the investigatory phase to protect the Complainant from further discrimination or harassment, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the accused person. In making such a determination, the person conducting the investigation should consult the Complainant to assess his/her agreement with the proposed action. If the Complainant is unwilling to consent to the proposed change, the person conducting the investigation may, nevertheless, take whatever actions are deemed appropriate for the protection of all persons, following consultation with the Head of School.

The person conducting the investigation will inform the individual alleged to have engaged in discrimination or harassment that a complaint has been received. The accused person will be informed about the nature of the allegations and provided with a copy of any relevant Academy Board policy or administrative guidelines. The accused will also be informed of the opportunity to submit a written response to the complaint within five (5) business days. Throughout the course of the process, the Compliance Officer shall keep the parties informed of the status of the investigation and the decision-making process.

Although certain cases may require additional time, the Compliance Officer or a designee will attempt to complete an investigation into the allegations of discrimination or harassment within fifteen (15) business days of receiving the formal complaint. The investigation will include:

- A. interviews with both parties;
- G. obtaining and reviewing any written statements of the reporter, the victim (if different from the reporter), the accused student(s), and any known witnesses;
- H. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- I. consideration of any documentation or other information presented by the parties, or any other witness that is reasonably believed to be relevant to the allegations.

Step 3

At the conclusion of the investigation, the Compliance Officer or the designee shall, within fifteen (15) school days of receiving the formal complaint, prepare and deliver a written report to the Head of School that summarizes the evidence gathered during the investigation, the response of the Academy staff and, if applicable, the date any incident was reported to the police. The report shall provide recommendations based on the evidence. A preponderance of the evidence standard will be followed. The investigating person's recommendations should consider the totality of the circumstances, including the ages and maturity levels of those involved. Disciplinary recommendations, if appropriate, should be reasonably calculated to prevent recurrence of illegal

discrimination or harassment. Disciplinary recommendations may range from: counseling to permanent expulsion, in the case of a student; removal of contracted staff and recommendation for censure or removal in the case of a board member.

Step 4

Absent extenuating circumstances, within ten (10) school days of receiving the report of the Compliance Officer or the designee, the Head of School will either issue a final decision regarding whether the complaint has been substantiated or request further investigation. A copy of the Head of School's final decision will be delivered to both parties.

If the Head of School requests additional investigation, the Head of School must specify the additional information that is to be gathered, and such additional investigation must be completed within ten (10) school days. At the conclusion of the additional investigation, the Head of School shall issue a final written decision as described above. The decision of the Head of School shall be final.

Filing a Complaint with the Office for Civil Rights

A Student or member of the Academy community alleging discrimination or harassment, may, at any time, file a complaint with the United States Department of Education Office for Civil Rights at:

United States Department of Education
Office for Civil Rights
Cleveland Office
1350 Euclid Avenue, Suite 325
Cleveland, Ohio 44115
(216) 522-4970
TDD: (216)-522-4944
Email: OCR.Cleveland@ed.gov
Web: <http://www.ed.gov/ocr>

Cooperation with Law Enforcement Agencies

In certain instances, an allegation of harassment may also be investigated as a criminal matter. To the extent permitted by law, the Academy will comply with law enforcement requests for cooperation.

Retaliation

Retaliation against a person who files a complaint alleging discrimination or harassment, or participates as a witness in an investigation, is strictly prohibited. Upon a finding that a person has engaged in retaliation, appropriate disciplinary action will be taken.

Maintenance of Records

All materials generated as a part of the formal complaint process will be retained in a single location under the control of one of the Compliance Officers in accordance with the Academy Board's records retention policy and/or Student Records policy.

The Head of School shall ensure that all required notices under the civil rights or other laws are provided to students, ESP/EMO employees and staff members, and third-party

contractors/vendors.

Legal References:	Titles IV, VI and Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e <i>et seq</i> The Rehabilitation Act of 1973, 29 U.S.C. §793 <i>et seq.</i> Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794 <i>et seq.</i> Title II of the Americans with Disabilities Act, 42 U.S.C. §12101 <i>et seq.</i> Michigan’s Elliott-Larsen Civil Rights Act, §37.2101 <i>et seq.</i> Michigan’s Persons with Disabilities Civil Rights Act, §37.1101 <i>et seq.</i> Michigan’s Mandatory Special Education Act, MCL §380.1751 <i>et seq.</i> Individuals with Disabilities Education Act, 20 U.S.C. §1400 <i>et seq.</i> ; 34 CFR Part 300 Age Discrimination in Employment Act of 1967 (ADEA), 42 U.S.C. §12101 <i>et seq.</i>
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Section 17. Title IX Statement and Grievance Procedure.

Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 *et seq.* prohibits discrimination on the basis of sex, including sexual harassment, sexual violence and sexual abuse as defined herein, in any program, service or activity, including but not limited to, educational programs, extracurricular activities, student services, academic counseling, discipline, classroom assignment, including admission to these programs and activities. Title IX also prohibits sex discrimination in employment, including by any third-party employer engaged by the Academy to employ its workforce. Retaliation against any person who reports or opposes improper discrimination or retaliation is likewise prohibited under Title IX. The Academy shall fully comply with Title IX and its accompanying regulations.

This policy applies to prohibited conduct in any academic, educational, extra-curricular, or other Academy programs, activities, and events whether occurring at school, during the Academy’s Educational Program and process including, but not limited to the On-Line Learning System (“OLS”), Class Connects, email, telephone, in-person or virtual conferences with third-party contracted employees and staff and third-party contractors/vendors who provide services to the Academy, on any premises or equipment owned, leased or used by the Academy, in a motor vehicle owned or leased by the Academy or being used for a school-related purpose or at any Academy-related event, activity or function; traveling by any means to or from school or an Academy-related event, activity, or function; and in any location where the conduct has a sufficient connection to or with the Academy, third-party contracted employee or staff member assigned to work at or on behalf of the Academy, third-party contractors/vendors, Academy students or Academy property that adversely and significantly interferes with or endangers the good order of the Academy’s educational program or environment, the proper functioning of the educational program, Academy-related event, activity or function.

The Academy expects that anyone who believes a Title IX violation may have occurred to report their concerns to the Academy’s third-party contracted employee or staff member assigned to work at or on behalf of the Academy or an Academy Title IX Coordinator identified herein. Upon

receipt of a complaint about sex discrimination of any sort involving an employee of a third-party employer, the Academy will refer the matter to that employer and expects to be informed as to the outcome of its investigation.

The Academy's Title IX Coordinators are:

Corista Johnson (Nichols)

Federal Program Manager

conichols@k12.com

616.309.1600

5910 Tahoe Drive S.E.

Grand Rapids, Michigan 49546

David Krause

Counselor

dkrasue@k12.com

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5910 Tahoe Drive S.E.

Grand Rapids, Michigan 48546

Any student or third-party contracted ESP/EMO employee or staff member, or other third-party contractor who is assigned to work at or on behalf of the Academy and who believes he or she has been or is the victim of sexual harassment, sexual violence or sexual abuse should immediately report the situation to a teacher, counselor, social worker, principal, the Head of School or a Title IX Coordinator. A third-party contracted ESP/EMO employee or staff member, or other third-party contractor who observes, has knowledge of, or learns that a student has been or is the victim of sexual harassment, sexual violence or sexual abuse shall immediately report the situation to the Academy principal, Head of School or a Title IX Coordinator. Complaints against an Academy principal should be reported to or filed with the Head of School or a Title IX Coordinator. Complaints against the Head of School should be reported to or filed with the Academy Board President or Title IX Coordinator.

Any person may report sexual harassment, sexual violence or sexual abuse (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment) in person, by mail, telephone or electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Definitions

"Complainant" means the person who is alleged to be the victim of conduct that could constitute sexual harassment, sexual violence or sexual abuse or retaliation for engaging in a protected activity.

"Respondent" means the person who has been reported to be the perpetrator of the conduct that could constitute sexual harassment.

"Third parties" include, but are not limited to, parents or guardians, third-party contracted ESP/EMO employees and staff members, or other third-party contracted staff assigned to work at

or on behalf of the Academy, guests and/or visitors, visiting speakers, learning coaches, volunteers, third-party contractors or vendors doing business with or seeking to do business with the Academy Board and other individuals who come into contact with students at school-related events, activities, or functions (whether on or off Academy property) or during the Academy's educational program as described in the Academy's Title IX policy.

"Actual knowledge" means notice of sexual harassment, sexual violence or sexual abuse or allegations of sexual harassment, sexual violence or sexual abuse to the Academy's Title IX Coordinator or any other school official who has authority to institute corrective measures on behalf of the recipient, or to a third-party contracted ESP/EMO employee or staff member assigned to work at or on behalf of the Academy.

"Employee or staff member" as used in this Policy means all third party contracted persons who are involved in the educational program including, but not limited to, employees and staff of the educational service provider. The Academy does not employ any employees or staff.

"Notice" means whenever a third-party contracted employee or staff member, a Title IX Coordinator, or any other school official with authority witnesses sexual harassment, sexual violence or sexual abuse, hears about sexual harassment, sexual violence or sexual abuse or sexual harassment, sexual violence or sexual abuse allegations from a complainant (i.e. a person alleged to be the victim) or a third party (e.g. the complainant's parent, friend or peer); receives a written or verbal complaint about sexual harassment, sexual violence or sexual abuse or sexual harassment, sexual violence or sexual abuse allegations or by any other means.

"Sexual Harassment" is defined under Title IX as conduct on the basis of sex that satisfies one or more of the following:

1. An Academy employee or staff member, or a third-party contracted employee or staff member assigned to work at or on behalf of the Academy who conditions the provision of an aid, benefit, or service of the Academy on an individual's participation in unwelcome sexual conduct (i.e., *quid pro quo* sexual harassment);
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the Academy's education programs or activities; or
3. Sexual assault (as defined in the Cleary Act, 20 U.S.C. §1092(f)(6)(a)(v)), dating violence, domestic violence or stalking (as defined in the Violence Against Women Act, 34 U.S.C. §12291).

"Formal Complaint" is defined as a document filed by the Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the Academy investigate the allegation(s) of sexual harassment.

"Sexual Violence or Sexual Abuse" shall include physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (due to the person's age, intellectual, or other disability, or due to the use of drugs or alcohol) and violations of the criminal law, such

as Michigan's Criminal Sexual Conduct statutes.

Grievance Procedure

This Grievance Procedure is intended to treat Complainants and Respondents equitably by providing remedies to a Complainant if a Respondent is found responsible for the alleged sexual harassment after following the proscribed grievance process before imposing discipline on a Respondent. The Grievance Procedure seeks to ensure objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence. Individuals involved in the Grievance Procedure – including the Title IX Coordinators, investigators, decision-makers, facilitators of informal resolution efforts and those involved in the appeal process – must be trained and not have any bias or conflict of interest.

Reporting and Filing a Formal Complaint

Any student or third-party contracted ESP employee or staff member or other third-party contractor who believes that they have been subjected to sexual harassment, sexual violence or sexual abuse by a student, Academy board member, third-party contracted employee or staff member, vendor, contractor, volunteer or other person doing business with the Academy, should immediately report the behavior or communication to a teacher, counselor, social worker, principal, Head of School or a Title IX Coordinator.

All of the Academy's third-party contracted ESP employees and staff members are expected to promptly report actual knowledge of sexual harassment, sexual violence or sexual abuse they observe or hear about to a Title IX Coordinator.

Reports can be made orally or in writing and should be as specific as possible. The person making the report should identify the alleged victim/Complainant, perpetrator(s)/Respondent(s) and witness(es), and describe in detail what occurred, including date(s), time(s) and location(s). Upon receipt of a report, the Title IX Coordinator must promptly contact the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process for filing a formal complaint.

A Formal Complaint must be filed by a Complainant prior to the Academy proceeding with an investigation under its Title IX Grievance Procedure. A Title IX Coordinator may sign a formal complaint, with or without the Complainant's consent. A formal complaint may be filed by a Complainant in person, by mail or electronic mail.

Any incidents of sexual harassment, sexual violence or sexual abuse that comes to the Academy's attention through means other than a formal complaint will be promptly addressed by the Title IX Coordinator. Supportive measures will be considered and offered to both parties and the Title IX Coordinator shall provide information to the Complainant about how to file a formal complaint, or if the Title IX Coordinator chooses, he or she can file a formal complaint to begin the Grievance Procedure.

Mandatory and Discretionary Dismissals

The Academy must dismiss a complaint:

That does not describe the conduct that meets the definition of sexual harassment;

That alleges sexual harassment that did not occur in the Academy's educational program or activity; or

That alleges sexual harassment did not occur in the United States at all.

The Academy may dismiss a complaint:

If the Complainant notifies the Title IX Coordinator in writing that the Complainant wishes to withdraw the formal complaint or some of its allegations;

If the Respondent is no longer enrolled as a student in the Academy or is no longer employed by the third-party contractor who provides staff to the Academy; or

If specific circumstances prevent the Academy from gathering evidence sufficient to reach a determination about the allegations.

If the Academy dismisses a complaint, or any allegations, pursuant to the above, it will send a written notice of dismissal and the reason(s) to the parties. Both parties have the right to appeal the Academy's dismissal as described in more detail below under "Right to Appeal."

Informal Resolution Process

If appropriate as determined by the Title IX Coordinator, the Complainant and the Respondent may voluntarily agree to participate in an informal resolution process that does not involve a full investigation and determination. Prior to the informal resolution process commencing, both parties will receive written notice of the charges and allegations and will be advised of their option to engage in a formal resolution process. The Complainant will not be required to resolve the problem directly with the Respondent, and either party has the right to end the informal process at any time and begin the formal process for investigating the complaint. The Academy prohibits the informal resolution process for complaints involving a student and a third-party contracted ESP/EMO employee or staff member or other third-party contracted staff assigned to work at or on behalf of the Academy. The formal resolution process should be used for these complaints. The informal process should be completed on or before thirty (30) days after the complaint is filed.

Formal Resolution Process

If the parties choose not to engage in the informal resolution process, choose to stop the informal resolution process at any time, or the complaint involves a student and a third-party contracted ESP/EMO employee or staff member or other third-party contracted staff assigned to work at or on behalf of the Academy, the Academy will conduct a prompt and full investigation into any formal Title IX complaint. An investigation will afford both the Complainant and the Respondent a full and fair opportunity to be heard, submit documentation and evidence supporting or rebutting the allegation(s), and identify witnesses. All parties involved in the investigation will be provided with a copy of the Title IX Grievance Procedure.

When the Academy begins the investigation, written notice will be provided to the parties containing:

A copy of the Academy's Policy and Grievance Procedure under Title IX;

Whether there is an opportunity to engage in informal resolution;

The actual allegations and facts that would constitute sexual harassment under Title IX;

A statement that the Respondent is presumed innocent;

A statement that the parties are entitled to an advisor of their choice;

A statement that the parties can request to inspect and review certain evidence; and

Information regarding the Student Code of Conduct and false statements.

Investigations may be conducted by the appropriate Title IX Coordinator or designee, such as a principal or other administrator who have been trained in Title IX procedures and does not have a conflict of interest or bias towards either party. The Academy reserves the right to obtain or consult with a third-party investigator or resource at any time during the Grievance Procedure.

Prior to and during the investigation process, the Title IX Coordinator or designee will meet independently with the Complainant and the Respondent and discuss any supportive measures to be implemented before or during the investigation.

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the Academy and to comply with state or federal law.

Retaliation Prohibited

At the beginning of the investigation, the Title IX Coordinator or investigator will explain that Title IX includes protections against retaliation, the Academy will take steps to prevent retaliation and the Academy will strongly react to any retaliatory actions, including any acts of retaliatory harassment, should they occur. No student, parent/guardian, third-party contracted ESP employee or staff member or other third-party staff assigned to work at or on behalf of the Academy, or member of the public shall be retaliated against for filing a complaint or participating in the investigation of the complaint.

Acts of alleged retaliation should be reported immediately to a Title IX Coordinator and will be promptly investigated.

Respondent Presumed Innocent

During an investigation, the Respondent is presumed to be innocent.

Investigation Procedure

Investigations must begin promptly, proceed impartially, and treat all parties equitably. This includes providing both parties an opportunity to present witnesses and other evidence. The investigation will be concluded within thirty (30) calendar days but no more than sixty (60) days after a formal complaint is filed, unless there is good cause to continue the investigation beyond sixty (60) days (e.g. law enforcement activities, absence of a party or witness, absence of a party's advisor of choice or the need to provide language assistance or accommodations of disabilities).

Supportive Measures

Upon request of a party, or on its own initiative, the Academy may implement supportive measures prior to or during the investigation of a formal complaint. Supportive measures are free, individualized services designed to restore or preserve equal access to education, protect safety, or deter the sexual harassment. Supportive measures support a student and are not punitive or disciplinary with respect to another student. They do not unreasonably burden any other person.

A party can submit requests for supportive measures, either verbally or in writing, to the investigator and/or to the Title IX Coordinator. (The investigator will notify the Title IX Coordinator of any request for supportive measures and the Title IX Coordinator will be responsible to implement supportive measures). Supportive measures include, but are not limited to, counseling, extensions of time, modifications of work or class schedules, appropriate emotional and/or academic support, restrictions on contact between the parties, leaves of absences, and increased monitoring and support. In fairly assessing the need for either party to receive interim measures, the Academy will not rely on fixed rules or any assumptions that favor one party over another. Supportive measures will be made available to both parties, as appropriate. In imposing supportive measures, the Title IX Coordinator or designee will make every effort to avoid depriving any student of his/her education. The Academy will take steps to ensure that any supportive measure minimizes the burden on the parties, and that the Title IX Coordinator or designee will communicate with the parties to ensure any supportive measures are necessary and effective based on the parties' needs.

Determination of Investigation

The Academy shall take reasonable, timely, age-appropriate and effective corrective action based upon the situation and nature of the complaint. Appropriate corrective action may include classroom reassignment, increased staff supervision, counseling, academic support services, additional training for students and third-party contracted ESP/EMO employee and staff, or other third-party contracted staff, and reporting procedures, safety plan, behavioral support plan and/or disciplinary action under the Student Code of Conduct or under the Academy's policies and procedures which include suspension up to permanent expulsion. Restorative practices will also be considered in any circumstance involving disciplinary action.

The investigator's findings will be documented in a preliminary report and shared with the Complainant, Respondent and their advisors, if any. The parties will have at least ten (10) calendar days to review the preliminary report and submit a response in writing. Prior to finalizing the report, the investigator shall consider the parties' written responses to the preliminary report, if any. The investigation report will then be finalized and forwarded to the decision-maker, the parties and their advisors, if any. The decision-maker cannot be the investigator, Title IX

Coordinator or have any conflict of interest or bias with either party.

The decision-maker, prior to any final decision, shall afford the parties an additional (10) calendar days to submit relevant, written questions to the opposing party or any witnesses. The decision-maker shall ask any relevant questions, record the response(s) and provide the responses to the parties (and their advisors, if any) prior to making a final determination. If the decision-maker deems a question irrelevant, he/she shall state in writing why the question is not relevant and provide the reason(s) to the parties (and advisors, if any) before the final decision is made.

The decision-maker shall issue a written decision and deliver it simultaneously to both parties. The written decision must include:

- The portion of the Academy's policy(ies) that was violated;
- A description of the procedural steps that were taken by the Academy to arrive at the decision;
- A findings of fact section;
- A section that draws conclusions after applying the facts to the portion of the Academy's policy that applies;
- A statement and rationale for the ultimate determination of responsibility;
- Any disciplinary sanctions that the Academy will impose on the Respondent, and state whether the Academy will provide remedies to the Complainant;
- A statement and rationale for any remedies for the Complainant, addressing how those remedies will restore or preserve equal access; and
- A statement of the Academy's procedures, a statement that the parties have a right to appeal the initial determination regarding responsibility and the permissible basis for the appeal.

Right to Appeal

Both parties shall be provided notice of right to appeal the final determination based on: (1) a procedural irregularity affected the outcome of the matter; (2) new evidence has been discovered that was not reasonably available at the time of the determination on responsibility or dismissal; or (3) a conflict of interest on the part of the Title IX Coordinator, an investigator who compiled evidence, or a decision-maker, and the conflict of interest affected the outcome.

If a party intends to file an appeal, they must submit the appeal in writing to the Academy Board of Directors no later than five (5) calendar days following the date of the final decision. The Academy Board shall be deemed to have received the appeal as of the date of its next regular board meeting after the appeal has been filed.

The opposing party shall be provided with a copy of the written appeal and given an opportunity

to submit a response, which will be provided to the Academy Board of Directors.

The Academy Board of Directors, or a committee selected by the Academy Board, shall review the written appeal and any response and issue a written determination within twenty (20) calendar days of the receipt of the appeal, which will be delivered to both parties.

The Academy Board of Director's decision shall be final.

Training

Individuals involved in the Grievance Procedure – Title IX Coordinators, investigators, decision-makers or facilitators of informal, voluntary resolution efforts must be trained.

The training materials cannot rely on sex stereotypes, must promote impartial investigations and adjudications and must be posted on the Academy's website.

All other third-party contracted ESP employees and staff members and other third-party contracted staff assigned to work at or on behalf of the Academy shall be trained on how to identify and report sexual harassment.

Privileges

No information protected by a legal privilege, such as the attorney-client privilege or the doctor-patient privilege, can be used during an investigation unless the person holding that privilege has waived it.

Neither a party or the Academy is allowed to seek, permit questions about, or allow the introduction of evidence that is protected by a recognized privilege.

Changes to Grievance Procedure

The Academy reserves the right to change, modify, amend or repeal all or any part of this Grievance Procedure.

Section 18. Michigan's Child Protection Law

Pursuant to Michigan's Child Protection Law, MCL § 722.621, *et seq.*, certain persons who have reasonable cause to suspect child abuse or neglect, sexual violence or sexual abuse of a student, including, but not limited to a student who is a minor, as defined in the Law, are obligated to report that suspicion as specified in the Law, including reports to child protective services, law enforcement, or similar agency. If, during the course of a harassment or Title IX investigation initiated by a student, the Anti-Harassment Compliance Officer or the Title IX Coordinator has reasonable cause to suspect that the alleged conduct may constitute child abuse or neglect, or sexual abuse or sexual violence of a student, including but not limited to a student who is a minor, the Anti-Harassment Compliance Officer or Title IX Coordinator shall report such suspicion in accordance with the Law, including reports to child protective services, law enforcement or similar agency.

A report made to child protective services, law enforcement or similar agency shall not terminate the Anti-Harassment Compliance Officer or the Title IX Coordinator's obligation and responsibility to continue to investigate a complaint of harassment, sexual harassment, sexual abuse or sexual violence of a student. While the Anti-Harassment Compliance Officer or Title IX Coordinator may work cooperatively with outside agencies, including child protective services and law enforcement or similar agency to conduct concurrent investigations, in no event shall the investigation of harassment, sexual harassment, sexual abuse or sexual violence of a student, including but not limited to, a student who is a minor, be inhibited by the involvement of outside agencies without good cause after consultation with the Head of School.

In addition to a potential violation of Title IX, physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (due to the person's age, intellectual or other disability, or due to the use of drugs or alcohol), and sexual violence or sexual abuse of a student, including but not limited to a student who is a minor, may constitute a violation of the criminal law, such as Michigan's Criminal Sexual Conduct statutes. Allegations of sexual violence or sexual abuse of a student, including, but not limited to a student who is a minor, shall be promptly reported to child protective services, law enforcement or similar agency as required by law.

Section 19. Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act-Prohibition of Discrimination and Grievance/Complaint Procedure.

Section 504 of the Rehabilitation Act of 1973 ("Section 504") and Title II of the Americans with Disabilities Act ("ADA"), and the implementing regulations (collectively "Section 504/ADA"), prohibit an otherwise qualified individual with a disability, including a student, solely by reason of his/her disability, from being excluded from participation, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or retaliation. The Academy does not discriminate in admission or access to, or participation in, or treatment, in its programs or activities (including before and after school programs and activities). Accordingly, the Academy Board's policies, procedures and practices shall not discriminate against students with disabilities or a member of the school community and will make its facilities, programs and activities accessible to qualified individuals. Discrimination and/or retaliation against a student, third-party contracted ESP/EMO employee or staff member or member of the school community with a disability in any Academy program or activity is strictly prohibited.

An individual with a disability means a person who has: (1) a physical or mental impairment that substantially limits one or more major life activity; (2) has a record of such an impairment; or (3) is regarded as having such an impairment.²

² The Michigan Administrative Rules for Special Education (MARSE) define eligibility for special education within thirteen (13) categories of disability: Autism Spectrum Disorder (ASD), Cognitive Impairment (CI), Deaf-Blindness (DB), Deaf or Hard of Hearing (DHH), Early Childhood Development Delay (ECDD), Emotional Impairment (EI), Other Health Impairment (OHI), Physical Impairment (PI), Severe Multiple Impairment (SXI), Specific Learning Disability (SLD), Speech and Language Impairment (SLI), Traumatic Brain Injury (TBI) and Visual Impairment (VI). Under federal law, a physical or mental impairment means (A) any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine; or (B) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional

Major life activities include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.

Major life activities also include the operation of a major bodily function, including, but not limited to: functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

This list is not exhaustive. An activity or function not listed above may be considered a major life activity. A student may be eligible under Section 504, if the student has an impairment that substantially limits one or more major life activities, including, but not limited to, learning.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment, reasonable accommodations or auxiliary aids or services, among many others.

The Academy encourages anyone within the school community who believes a Section 504/Title II violation may have occurred to report their concerns to an Academy Section 504/Title II Coordinator identified below:

Section 504/Title II Coordinator:

Tara Elfakir
616.309.1600 Ext. 3134
5910 Tahoe Drive S.E.
Grand Rapids, Michigan 49546
telfakir@k12.com

Grievance/Complaint Procedures

The Academy's Section 504/Title II ADA Grievance/Complaint Procedures apply to complaints of disability discrimination (including harassment) by Academy students, ESP employees or staff members. These procedures also apply to complaints of disability discrimination (including harassment) involving third-party providers with whom the Academy or the ESP/EMO contract with to provide services or supports under Section 504 or the ADA. Use of these procedures is not required nor are these procedures a prerequisite to the pursuit of other remedies, including filing a request for an impartial due process hearing before an Impartial Hearing Officer ("IHO") or a complaint with the United States Department of Education's Office for Civil Rights ("OCR"). If a person believes that he/she has been discriminated against in violation of Section 504/ADA, he/she may file a complaint with OCR, at any time.

Parents or guardians of qualified students with disabilities may also, at any time, file a complaint

or mental illness and specific learning disabilities.

with OCR or request a due process hearing before an IHO regarding issues pertaining to the identification, evaluation, educational placement and the contents of or implementation of their child's Section 504 Plan. During a due process hearing, the parent/guardian and/or the student have the right to be represented by counsel (at their own expense), the right to present evidence and testimony and the right to examine relevant education records.

Internal complaints and requests for due process hearings must be in writing and must identify the specific circumstances or areas of dispute that give rise to the complaint or the request for a hearing and offer possible solutions to the dispute. The complaint or request for a due process hearing must be filed with the Section 504/ADA Compliance Officer within specified time limits. The 504/ADA Compliance Officer is available to assist individuals in filing a complaint or request.

Internal Complaint Procedures

An internal complaint may be filed by a person who believes that he/she has been discriminated against by another student, ESP employee or staff member, or other third-party vendors providing programs or activities on behalf of the Academy.

STEP 1:

A student or parent may initiate an investigation by filing a written internal complaint with the Section 504/ADA Compliance Officer. If the Section 504/ADA Compliance Officer is the subject of the complaint, the complaint should be submitted to the Head of School who will appoint another administrator to conduct the investigation.

The written internal complaint shall be signed by the complainant and include:

The name and contact information of the complainant. If the complainant is not the aggrieved party, the complaint should also include the name and contact information of the aggrieved party;

The name and contact information of any witnesses;

The facts of the incident or action complained about;

- A. The date(s) of the incident or action giving rise to the complaint;
- B. The type of discrimination or violation(s) alleged to have occurred and how the subject of the complaint has been adversely affected;
- C. Any other evidence the complainant deems appropriate;
- D. The specific resolution sought.

The complaint must be filed as soon as possible, but not longer than thirty (30) calendar days after disclosure of the facts giving rise to the complaint.

Internal Complaint/Grievance Investigation Procedures

Absent unusual circumstances, an impartial investigation of the complaint shall be completed

within fifteen (15) school days of receipt of the written complaint by the Section 504/ADA Coordinator. The Section 504/ADA Coordinator's (or designee's) investigation shall include an interview of the parties and witnesses, an opportunity for the parties to present witnesses and other evidence, a review of relevant evidence, and any other steps necessary to ensure a prompt and thorough investigation of the complaint. As part of the investigation, the Section 504/ADA Coordinator shall permit the complainant to present witnesses and other evidence in support of the complaint. The Section 504/ADA Coordinator shall notify the complainant and the person who is the subject of the complaint of his/her decision, in writing, within thirty (30) business days of the conclusion of the investigation.

If upon completion of the investigation, the Section 504/ADA Coordinator (or designee) determines that a violation of Section 504 or Title II is found, the findings will state the action(s) necessary to remedy the discrimination and prevent its recurrence. The Section 504/ADA Coordinator (or designee) shall be responsible for carrying out any needed remedial action.

STEP 2:

The complainant may appeal the Section 504/ADA Coordinator's determination to the Head of School in writing within ten (10) school days of the issuance of the Coordinator or Investigator's written findings. The Head of School or designee shall meet with the parties involved and respond to the complaint, in writing. Absent unusual circumstances, the appeal of the investigation will be completed, and written findings will be issued by the Head of School within fifteen (15) school days of receipt of the request for appeal by the complainant.

Prohibition Against Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination, or participates as a witness in an investigation, is prohibited. The Academy or its ESP/EMO employees and staff members shall not retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by Section 504 or the ADA, or because that individual made a charge, complaint, or filed a grievance, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

Filing a Complaint with OCR

A complainant may file a complaint with OCR at any time. OCR can be reached at:

U.S. Department of Education
Office for Civil Rights
1350 Euclid Avenue, Suite 325
Cleveland, Ohio 44115
(216) 522-2573
TDD: (216) 522-4944
E-mail: OCR.Cleveland@ed.gov
Web: <http://www.ed.gov/ocr>

Due Process Hearing Procedures

Parents or guardians who disagree with the identification, evaluation or placement of a student with a disability have the right to request an impartial due process hearing. A request for a Section 504 due process hearing must be made in writing to the Section 504/ADA Compliance Officer. The request for a due process hearing must include, at a minimum: (1) name and contact information for the complainant; (2) name of the student; (3) the name of the party(ies) that is the subject of the complaint; (4) the nature of the allegation(s) and the facts related to the allegation(s); (5) signed by the complainant.

Upon receipt of a written request for a due process hearing, the Section 504/ADA Compliance Officer or the Academy Board will make all necessary arrangements, including the selection of an impartial hearing officer (“IHO”). The selected impartial hearing officer cannot be a person who is an employee/staff member of the ESP or any person having a personal or professional interest which would conflict with his or her objectivity in the hearing.

Any party to a hearing has the right to:

1. Be accompanied and represented by counsel (at their own expense);
2. Present evidence and/or testimony, confront, cross-examine and compel the attendance of witnesses;
3. Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five (5) business days before the hearing;
4. Obtain a written or electronic verbatim record
5. Obtain written or electronic findings of fact and decisions;

The IHO will schedule a due process hearing to occur as soon as practicable for the parent/guardian and the Academy. Absent an agreement of the parties, the due process hearing will be scheduled no more than thirty (30) school days following receipt of a written request for a due process hearing. Upon conclusion of the hearing, the IHO will render a written decision with findings of fact and conclusions of law within thirty (30) calendar days. Copies of the IHO’s decision will be provided to the parties.

An aggrieved party may pursue appropriate remedies in a court of competent jurisdiction.

Section 20. Field Trips and Other Academy-Sponsored Trips.

The Academy recognizes that field trips, when used for teaching and learning integral to the curriculum are an educationally sound and important ingredient in the instructional and Educational Program of the Academy. Properly planned and executed field trips should supplement and enrich classroom procedures by providing learning experiences in an environment outside of school. A field trip is any planned journey by an administrator or professional staff member, involving one or more students away from Academy premises, under the supervision of

an administrator or professional staff member(s) and includes an integral part of a course of study. Other Academy-sponsored trips are any planned, student-travel activity proposed by an ESP/EMO administrator or professional staff member which are approved as part of the Academy's total Educational Program.

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

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

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

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

Section 21. Student Assessment.

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

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

Legal References: MCL §380.1279

Section 22. Placement and Promotion.

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

It is the policy of the Academy that each student be moved in a continuous pattern of achievement and growth that is in harmony with his/her own development, subject to state and federal laws, rules and regulations.

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

Section 23. Third Grade Reading Requirements.

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

Legal References: MCL §380.1282f

Section 24. Reporting Student Progress.

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

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

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

Section 25. Grading.

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

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

Section 26. Graduation Requirements.

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

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

Section 27. Compliance with Michigan Sex Education Statute; Prohibition of Abortion Referral or Assistance.

The Academy shall comply with the requirements of MCL §380.1507, dealing with instruction in sex education and related subjects. As required under MCL §388.1766, a school official, member of the Academy Board, or a person employed by the Academy or the ESP/EMO who refers a

student for an abortion or assists a student in obtaining an abortion, and who is not the parent or legal guardian of the student, shall be subject to appropriate discipline/removal.

Legal References: MCL §380.1507; MCL §388.1766

ARTICLE III. STUDENTS.

Section 1. ENROLLMENT OF STUDENTS/ACADEMY BOARD ADMISSIONS

Admission Policies and Criteria

Michigan Virtual Charter Academy (“MVCA” or “Academy”) serves full-time students in grades K-12 who meet the requirements of Section 556 of the Revised School Code (MCL §380.556) and are residents of the State of Michigan or are foreign exchange students.

MVCA does not charge tuition and does not discriminate in its pupil admissions policies or practices on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a student with a disability, or any other basis that would be illegal if used by a school district.

In accordance with Michigan law, MVCA shall give enrollment priority as follows:

- A pupil currently enrolled in the Academy;
- A sibling of a pupil enrolled in the Academy;
- A child of the Academy’s contracted Educational Service Provider (“ESP”);
- A child of an Academy Board of Director; and
- A pupil who resides in the school district of the Authorizer, which is the Hazel Park School District.

A lottery system, with a waiting list in chronological order, shall be maintained for admission of students when maximum enrollment is reached at the end of the two (2) week open enrollment period. The waitlist does not carry over from year to year.

No student may be denied participation in the application process due to a lack of student education records such as IEPs, CA60s, transcripts or similar student education records.

Admissions Process

Information sessions about MVCA and its programs will be advertised in local media. Information sessions will be held via web sessions and as required by the Charter Contract and applicable law. MVCA shall make reasonable efforts to advertise its enrollment openings. An open enrollment period will be held annually, shall be a minimum of two (2) weeks ((14) calendar days) and shall include evening and weekend times. The MVCA Board of Directors (“Academy Board”) will annually determine its enrollment cap and grade/band level caps. Changes to the enrollment cap and grade/band level caps may be implemented at any time by a vote of the Academy Board and Charter Contract Amendment. The admission and enrollment administrative guidelines and procedures shall be followed regarding admissions and enrollment.

Foreign Exchange Students: The ESP may develop and administer a program for enrollment of foreign exchange students in accordance with Michigan law.

Children of ESP Staff Members: A child of an ESP employee/staff member who works on a half-time (.5) or greater basis may enroll in the Academy, in accordance with Michigan law, under administrative guidelines and procedures established by the ESP.

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

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

MVCA shall make additional efforts to recruit pupils who are eligible for Special Education programs and services or English as a second language services to apply for admission as follows:

- A. Reasonable efforts to advertise enrollment openings to organizations and media that regularly serve and advocate for individuals with disabilities or children with limited English-speaking ability within the boundaries of the intermediate school district in which the school of excellence is located.
- B. Inclusion in pupil recruitment materials of a statement that appropriate Special Education services and English as a second language services will be made available to pupils attending the school as required by law.

Information about applying to MVCA is provided on the MVCA website, which is hosted on the K12 corporate website. Although information about MVCA is available through other portions of the K12 corporate website, individuals who inquire about admission to MVCA by way of these portions of the K12 corporate website, will be directed to the MVCA website as will inquiries received via phone calls to K12.

Enrollment information may be completed on-line by the guardian/eligible student.

MVCA designates the Operations Manager as the enrollment/admissions designee for purposes of executing this policy. MVCA honors all expulsions. All students who have been expelled from a previous educational institution must complete the term of the expulsion prior to being approved for enrollment into MVCA. A letter of the term of expulsion must be provided from the expelling educational institution at the onset of the application process.

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

Appeals to the Academy Board

Students who are not enrolled at MVCA and have submitted an application for enrollment, may appeal to the Academy Board, in writing, within thirty (30) calendar days of notice of the student's non-enrollment to the Academy. The Academy Board shall determine whether the enrollment administrative guidelines and procedures have been followed. If the enrollment procedures and guidelines have been followed, the enrollment determination shall stand. If they have not been followed, the Academy Board shall consult with the relevant parties to ascertain an applicable remedy.

Legal References: MCL §380.504, MCL §380.507

Section 2. Enrollment: Entrance Age.

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

Legal References: MCL §380.1147

Section 3. Student Behavior: Governing Principles.

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

Section 4. Student Code of Conduct.

The ESP/EMO shall develop and implement, and shall publish to all students and their parents, on an annual basis, a Student Code of Conduct consistent with these principles, as approved by the Academy Board.

Section 5. Levels of Discipline.

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

Academy.

Level 1: Administrative Alternatives:

See list of Administrative Alternatives in the Student Code of Conduct set forth in the Parent/Student Handbook

Level 2: Emergency Removal (“Snap Suspension”):

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

Level 3: Short-Term Suspension

Ten (10) or fewer school days, as determined by the school principal or other administrator.

Level 4: Long- Term Suspension

Upon recommendation of the principal of the student’s school, or other administrator, the Head of School or designee may suspend a student for a period greater than ten (10) school days, but less than sixty (60) school days.

Level 5: Expulsion of Sixty (60) School Days to and Including 180 School Days

Upon recommendation of the principal of the student’s school, or other administrator, the Head of School or designee may expel a student for sixty (60) school days to and including 180 school days.

Level 6: Permanent Expulsion or Expulsion Greater Than 180 School Days

Upon recommendation of a principal of the student’s school, or other administrator, the Head of School or designee may permanently expel a student or expel a student for greater than 180 school days.

Note: The imposition of penalties for infractions other than mandatory permanent expulsion is subject to consideration of certain factors established by state law and Board Policy, Article IV, Section 9, “Considerations Prior to Imposition of Discipline” and as set forth in this Student Code of Conduct.

Removal of a Student from The Academy Pending Investigation or Provision of Due Process.

When an administrator deems it necessary, the administrator may remove a student from school that is charged with, suspected of committing, or suspected of being involved in, an infraction or incident, for a reasonable time period necessary:

1. to complete the investigation of an alleged infraction or incident, or
2. to defuse a situation that could become worse without such removal, or
3. in unusual circumstances, to permit the student to be accorded due process,

as defined in this policy, which shall be accorded as soon as possible thereafter, or

4. for other reason(s) as renders such a removal in the best interests of a student, the school, its students, or its staff.

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

Discipline of Students with Disabilities

The rules governing student conduct apply to all students. MVCA will fully comply with the Individuals with Disabilities Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and the Michigan Mandatory Special Education Act when disciplining students with disabilities, and the corresponding rules and regulations of each law. The federal and state laws cited herein should be reviewed before removals of students with disabilities or suspected disabilities.

Section 6. Due Process.

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

Students Subject to Short-Term Suspensions (Ten (10) School Days or Less)

Except in emergency situations, prior to a suspension of ten (10) school days or less, the school principal or other administrator shall give the student and the student's parent/guardian oral or written notice of the charges against the student, a summary of the evidence supporting the charges, what disciplinary measures are being proposed and an opportunity to respond to the charges. If feasible, the notice and opportunity for the student to respond to the charges, should precede the student's removal from school.

The 7 factors of discipline (restorative justice) shall be considered by the school principal or other administrator, with input from the student, and parent/guardian before disciplinary action may be imposed. The written decision of the principal, or other administrator regarding the discipline imposed shall state that the 7 factors concerning discipline have been considered and what, if any, restorative justice practices have been imposed. The short-term discipline decision of the school principal or other administrator is final and not subject to appeal.

Students Subject to Long-Term Suspensions, Expulsions, Permanent Expulsions or Expulsion Greater Than 180 School Days

Except in emergency situations, prior to the implementation of a long-term suspension, expulsion, permanent expulsion or an expulsion greater than 180 school days, a student and the student's parent/guardian must be given oral or written notice of the charges against the student, a summary of the evidence supporting the charges and, if the student denies the charges, an opportunity to be heard and respond to the charges. The school principal or other administrator has the authority to

recommend the disciplinary action to the Head of School or designee. The student and the student's parent/guardian shall be given the opportunity to respond as soon as reasonably possible, and within ten (10) school days if possible. The student and the student's parent/guardian must be provided with a brief description of the student's rights and the hearing procedure before the Head of School or designee as set forth in this Student Code of Conduct. The Head of School or designee shall conduct a hearing to determine whether to accept the principal or other administrator's recommendation for a long-term suspension, expulsion, permanent expulsion or expulsion greater than 180 school days. The hearing before the Head of School or designee may occur virtually or in person at the Michigan Virtual Charter Academy's Administration Office, 5910 Tahoe Drive, Grand Rapids, MI 49546, or the Charter School Office, 1620 E. Elza, Hazel Park, MI 48030, at the option of the student and the student's parent/guardian. The hearing shall be closed to the public. If the hearing before the Head of School or designee takes place in person, administration witnesses or other witnesses may attend virtually given that Academy staff may reside in different areas in Michigan.

Written Notice of Recommended Discipline

When a student is being considered for a long-term suspension, expulsion, permanent expulsion or expulsion for greater than 180 school days, the student will receive a formal letter of notification addressed to the parent(s)/guardian(s) which will contain the following:

1. The charge(s) and related evidence;
2. The length of the recommended suspension, expulsion, permanent expulsion, or expulsion greater than 180 school days;
3. The time and location of the in-person hearing or video conference access information of the virtual hearing before the Head of School or designee;
4. A brief description of the hearing procedure;
5. A statement that the student may bring parent(s), guardian(s), representative(s) and legal counsel to the hearing, at the student's sole cost and expense;
6. A statement that the student and/or parent/guardian may bring or request a translator to the hearing;
7. A statement that the student may give testimony, present evidence, and provide a defense;
8. Notice that the Head of School or designee may select and designate a Hearing Officer (outside third party) to hear and conduct the student discipline hearing at the Head of School, designee's sole discretion.

Section 7. Considerations Prior to Imposition of Discipline (Restorative Practices).

In accordance with state law, and except as specifically provided in this policy, before a student may be recommended for suspension for more than 10 days, expulsion or permanent expulsion,

the administrator making the disciplinary recommendation or decisions, shall consider each of the following factors:

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

The fact that consideration of these factors has occurred shall be documented in the record of the disciplinary recommendation decision. An appropriate checklist shall be developed and used to document consideration of these factors. The fact that consideration of these factors has occurred shall be documented in the record of the disciplinary action imposed by the Head of School or designee. The Head of School or designee shall consider each of the above seven (7) factors and document same before imposing a long-term suspension of ten (10) school days to fifty-nine (59) school days an expulsion sixty (60) school days to and including 180 school days, permanent expulsion, or expulsion greater than 180 school days unless expressly excluded by Michigan law.

Whether student misconduct shall result in discipline, and the level of discipline to be recommended, shall be within the discretion of the Head of School. In the exercise of this discretion, there is a rebuttable presumption that a long-term suspension of more than ten (10) to fifty-nine (59) school days, expulsion of sixty (60) school days to and including 180 school days or permanent expulsion is not justified unless administration can demonstrate that it considered each of the factors listed above. The obligation to consider these factors shall not apply to a student being permanently expelled under state law for possessing a firearm in a weapon-free school zone.

The Head of School shall consider using restorative practices as an alternative or in addition to the recommendation for a suspension of more than 10 days or expulsion of a student. The obligation to consider restorative practices shall not apply to a mandatory permanent expulsion for possession of a firearm in a weapon-free school zone. "Restorative practices" means practices that emphasize repairing the harm to the victim and the school community caused by a student's misconduct. The Head of School or designee shall establish procedures for the use of restorative practices within the Academy.

Legal References: MCL §§380.1311, 1311a and 1310c

Section 8. Disciplinary Hearing Before The Head of School or Designee

- A. The school principal or other administrator shall recommend disciplinary action for a student who violates the Student Code of Conduct or Michigan law. The Head of School, or designee shall hold a disciplinary hearing as soon as reasonably possible, and ideally within ten (10) school days of the date of the written notice to the student and parent(s)/guardian(s) recommending disciplinary action for a long-term suspension, expulsion, permanent expulsion or expulsion greater than 180 school days. The disciplinary hearing before the Head of School may be held virtually, or in-person at the Michigan Virtual Charter Academy Administration Office, 5910 Tahoe Drive, Grand Rapids, Michigan 49546 or the Michigan Virtual Charter School Academy Charter School Office, 1620 E. Elza, Hazel Park, MI 48030, at the option of the student and the student's parent/guardian. If the student and the student's parent/guardian opts for an in-person hearing, the Academy witnesses may testify virtually since Academy staff reside in different locations throughout the State of Michigan.
- B. The school principal or other administrator shall provide the student and parent(s)/guardian(s) with a written notice identifying the student's violation of the Student Code of Conduct, or Michigan law, a summary of the evidence, the recommended disciplinary action and the rules and procedures for the disciplinary hearing before the Head of School, or designee described herein.
- C. The Head of School or designee, Academy Board attorney, and any other resource person(s) that the Head of School or designee deem appropriate may be present at the hearing before the Head of School or designee. The Head of School or designee shall have the sole discretion to determine whether to impose the discipline recommended by the school principal or other administrator or to modify the recommended discipline following the disciplinary hearing.
- D. Although a hearing to consider a disciplinary recommendation for a long-term suspension, expulsion, permanent expulsion or expulsion greater than 180 school days is subject to due process and may have some similarities to a court proceeding, it is not conducted in a court of law and court rules do not apply. The Head of School or designee shall determine any procedural questions that arise during the hearing.
- E. At the hearing, the school principal and other administrators and staff shall first present to the Head of School or the Hearing Officer, the facts of the case and the basis for the recommended discipline. The Head of School or designee and other participants in the hearing may ask questions of the witnesses. Thereafter, the student (and/or the student's representative and parent(s)/guardian(s)) may comment upon the facts as stated by the school principal, other administrator and staff as the basis of the recommended discipline.
- F. The student and the parent(s)/legal guardian(s), representative (s), and legal counsel, if any, may present verbal and documentary evidence, comments, and

witnesses to respond to the principal/administration's facts of the case and the basis for the recommended discipline, and may ask questions of any individual who presents evidence during the hearing. The student, student's parent(s)/guardian(s), representative(s) of the student and/or legal counsel representing the student at the hearing (at the student's own expense), may ask questions of the Head of School, or designee, school principal, any administrators, staff and other witnesses that present facts of the case and the basis for the recommended discipline.

- G. The principal and other administrators from the Academy, the Board attorney, and any other persons the Head of School or designee believes are necessary may attend the discipline hearing as witnesses or advisors.
- H. A stenographic or electronic record of the hearing before the Head of School or designee may be made based on the sole discretion of the Head of School or designee. The hearing shall be closed to the public.
- I. If the student or parent(s)/guardian(s) fail to attend the hearing before the Head of School or designee, after receiving notice, the Head of School or designee may proceed with the hearing and to a determination of whether to accept the recommendation of the principal/administrator regarding the student discipline to be imposed.
- J. After conducting the hearing, the Head of School or designee may:
 - 1. Impose the principal's or other administrator's recommended discipline.
 - 2. Modify the terms of the principal's or other administrator's recommended discipline, with or without new conditions. The Head of School or designee may impose consequences that are greater, lessor or different than recommended by the principal or other administrator.
 - 3. Set aside the recommended long-term suspension, expulsion, permanent expulsion or expulsion greater than 180 school days and decline to impose discipline.
- K. The Head of School or designee shall issue a decision in writing, within five (5) school days following the hearing and mail the written decision to the student and the student's parent(s)/guardian(s) via first class mail, certified mail return receipt requested and email. A copy of the written decision shall be included in the student's CA 60 file.
- L. L. The decision of the Head of School or designee may be appealed to the Academy Board of Education as set forth below.
- M. The Head of School or designee's student discipline decision imposing a long-term recommendation, expulsion, permanent expulsion, or expulsion greater than 180 school days may be appealed to the MVCA Board of Directors by the student or the student's parent(s)/guardian(s) within fifteen (15) school days of the date of the

letter imposing the discipline.

- N. The Head of School or designee may stay enforcement of the expulsion or discipline pending the appeal.
- O. A student who has been permanently expelled from the Academy may seek reinstatement in accordance with the provisions of Board Policy, Article IV., Section 9 and the section of the Student Code of Conduct regarding petitions for reinstatement.

Appeal Before the Academy Board of Directors

A student may appeal a long-term suspension, expulsion, permanent expulsion or expulsion greater than 180 school days to the Academy Board of Directors in accordance with the following procedures:

- A. A long-term suspension, expulsion, permanent expulsion or expulsion greater than 180 school days may be appealed to the Academy Board of Directors by the student or parent(s)/guardian(s) by filing with the Head of School, via email or letter, a written request for appeal within fifteen (15) school days after the date of the notice of the discipline imposed by the Head of School or designee, stating the new evidence or information that the student and/or parent(s)/guardian(s) that the Academy Board should be aware of that was not presented to the Head of School or designee during the student discipline hearing or the student discipline hearing procedures that were not followed in the student discipline hearing before the Head of School or designee. The Academy Board shall hear the appeal within a reasonable amount of time at a special meeting called for such purpose, or at the next regularly scheduled Academy Board meeting as determined by the Academy Board President. If a timely appeal is not requested, the discipline imposed by the Head of School or designee shall be deemed final.
- B. Upon receipt of an appeal to the Academy Board, the Head of School shall provide the student and parent(s)/guardian(s) with a written notice that an appeal to the Academy Board shall be conducted in accordance with the rules and procedures described below.
 - 1. The Head of School or designee who imposed the student discipline, principal or other administrator who made the discipline recommendation and any other administrators/staff who presented evidence at the discipline hearing before the Head of School or designee, Board attorney and any other resource persons that the Board President deems appropriate may be present at the Academy Board appeal hearing. Only members of the Academy Board shall have a vote in determining the appeal.
 - 2. Pursuant to the Open Meetings Act, the appeal hearing before the Academy Board shall be closed to the public at the request of the student or the student's parent(s)/guardian(s).

3. Although an appeal hearing is subject to due process and may have some similarities to a court proceeding, it is not conducted in a court of law and court rules are not applicable. The Board President or presiding officer shall determine any procedural issues that arise during the hearing.
 4. During the appeal hearing, the Head of School or designee shall advise the Academy Board members of the reason(s) for the imposition of student discipline. The student and the student's parent(s)/guardian(s) shall state the basis for the appeal. The Academy Board members may ask questions of the Head of School or designee regarding the basis of the student discipline decision, the principal or other administrator regarding the facts that gave rise to the recommended discipline and may question the student and the student's parent(s)/guardian(s) regarding the reasons for the appeal. The Academy Board members and other participants in the hearing may ask questions of witnesses.
- P. The Academy Board may:
1. Set aside the student discipline with or without limiting conditions.
 2. Reduce the student discipline and impose any conditions the Academy Board deems advisable; or
 3. Affirm the student discipline as determined by the Head of School or designee.
- Q. The Academy Board shall promptly notify the student and the student's parent(s)/guardian(s) of the Academy Board's decision in writing. The Academy Board's decision shall be final.

Section 9. Reinstatement Following Permanent Expulsion.

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

- A. If the student is in grade 5 or below at the time of the permanent expulsion, the parents or legal guardian may submit a request for reinstatement after sixty (60) school days from the date of expulsion, but the student may not be reinstated before ninety (90) school days from the expulsion date.
- B. If the student is in grade 6 or above at the time of the permanent expulsion, the parents, legal guardian, the adult student, or the emancipated minor may submit a request for reinstatement after 150 school days from the date of the expulsion, but the student may not be reinstated before 180 school days from the expulsion date.
- C. The Head of School or designee shall, within ten (10) school days after receiving the request, submit the request together with any other information he or she deems pertinent to the requested reinstatement, to an Academy Board-appointed

Reinstatement Committee consisting of two (2) Academy Board members, an Academy administrator, a teacher, and one (1) parent of an Academy student.

- D. The Academy Board Reinstatement Committee shall, within ten (10) school days after being appointed, review all pertinent information, and submit its recommendation to the full Academy Board. The recommendation may be for unconditional reinstatement, conditional reinstatement, or non-reinstatement, based on the Academy Board Reinstatement Committee's consideration of:
1. the extent to which reinstatement would create a risk of harm to students or school personnel;
 2. the extent to which reinstatement would create a risk of Academy or individual liability for the Academy Board or Academy personnel;
 3. the age and maturity of the student;
 4. the student's school record before the expulsion incident;
 5. the student's attitude concerning the expulsion incident;
 6. the student's behavior since the expulsion and the prospects for remediation;
 7. if the request was filed by a parent, the degree of cooperation and support the parent has provided and will provide if the student is reinstated, including, but not limited to, the parent's receptiveness toward possible conditions placed on the reinstatement. Such conditions may, as an example, include a written agreement by the student and/or a parent who filed the reinstatement request to:
 - a. Abide by a behavior contract which may involve the student, his/her parents, and an outside agency;
 - b. Participate in an anger management program or other counseling activities;
 - c. Cooperate in processing and discussing periodic progress reviews;
 - d. Meet other conditions deemed appropriate by the Committee;
 - e. Accept the consequences for not fulfilling the agreed-upon conditions.

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

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

Section 10. Bullying.

It is the policy of the Academy to provide a safe and nurturing environment for all students. Appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment or bullying is expected of students, administrators, faculty, staff, parents, visitors, and volunteers.

Bullying and Cyberbullying are Prohibited

Bullying and cyberbullying of a student, whether by other students, staff, visitors, Academy Board members, parents, guests, contractors, vendors, and volunteers, is prohibited. All students are protected under this Policy. Bullying and cyberbullying are prohibited without regard to their subject matter or motivating animus.

Definitions

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

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

mental health.

- C. Causing substantial disruption in, or substantial interference with, the orderly operation of the Academy.

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

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

Since "bullying" also includes "cyberbullying", any reference in this Policy to "bullying" shall also be deemed to refer to "cyberbullying."

Bullying and cyberbullying are prohibited at school, during the Academy Educational Program and process including, but not limited to, the On-Line Learning System ("OLS"), Class Connects, email, telephone, in-person, virtual conferences with ESP/EMO employees and staff and third-party contractors/vendors on any premises or equipment owned, leased or used by the Academy, in a motor vehicle owned or leased by the Academy, or being used for a school-related purpose or at any Academy-related event, activity or function; traveling by any means to or from school or a school-related activity, event, or function; and in any location where the conduct has a sufficient connection to or with the Academy, ESP/EMO employees/staff, staff provided by third-party contractors/vendors or affiliates, Academy students or Academy property that adversely significantly affects, interferes with or endangers the good order of the Educational Program or environment at school, the proper functioning of the educational process; or non-school locations which are used for purposes of the educational program, Academy-related event, activity or function.

Bullying and cyberbullying that does not occur "at school" as defined above, but that causes a substantial disruption to the educational environment, may be subject to disciplinary action in accordance with this Policy and applicable law.

Reporting and Investigating Reports of Bullying

Every student is encouraged to promptly report any situation that he or she believes to be bullying behavior directed toward himself/herself or another student, to an administrator, teacher, counselor, social worker, FAST Team Program member or the Head of School. Staff members

shall report any reports made by students or situations that they believe to be bullying or cyberbullying behavior directed toward a student to the Head of School. Complaints against the Head of School shall be reported to the Regional Director of the ESP/EMO. Complaints against the ESP/EMO shall be reported to the Academy Board President.

A student may report a complaint of bullying and/or cyberbullying to the Academy's Anti-Harassment Compliance Officers:

Corista Johnson
Federal Programs Manager
conichols@k12.com
616.309.1600
5910 Tahoe Drive S.E.
Grand Rapids, Michigan 49546

David Krause
Counselor
dkrause@k12.com
616.309.1600
5910 Tahoe Drive S.E.
Grand Rapids, Michigan 48546

Under Michigan law, a school employee, school volunteer, student, or parent or guardian who promptly reports in good faith an act of bullying to the appropriate school official designated in this Policy and who makes this report in compliance with the procedures set forth in this Policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident. This immunity does not apply to a school official who is responsible for implementing this Policy or for remedying the bullying, when acting in that capacity.

Retaliation or false accusation against a target of bullying, a witness, or another person with information about an act of bullying is prohibited. Suspected retaliation should be reported in the same manner as suspected bullying behavior. Making intentionally false accusations of bullying is likewise prohibited. Retaliation and making intentionally false accusations of bullying may result in disciplinary action up to and including expulsion.

All complaints about bullying that may violate this Policy shall be promptly investigated and documented. The Head of School or designee is responsible for the investigation; however, the Academy Board may engage an independent third-party to investigate the bullying complaint. If the investigation results in a finding that bullying has occurred, prompt and appropriate disciplinary action shall be taken, to and including expulsion for students, to and including the removal/discharge of ESP/EMO employees and staff members based on the policy of the ESP/EMO, and to and including exclusion from school property of parents, guests, volunteers, and contractors/vendors. Individuals may also be referred to law enforcement officials.

If the investigation results in a finding that bullying has occurred, the parent or guardian of a victim of bullying and the parent or guardian of a perpetrator of the bullying shall be notified promptly in writing. In addition, the ESP/EMO employee(s) or staff or other third party designated by the

Academy Board to investigate the alleged bullying may notify parents of the victim or perpetrator of bullying sooner than the conclusion of the investigation if circumstances dictate such earlier notification.

The Academy shall document any prohibited incident that is reported and shall document all verified incidents of bullying and the resulting consequences, including the required notification of parents or guardians and any discipline and referrals.

The Head of School is the school official responsible for ensuring that this policy is implemented.

Confidentiality

The Academy shall comply with all applicable laws regarding confidentiality of personally identifiable information from education records. In addition, the identity of an individual who reports an act of bullying or cyberbullying shall be and remain confidential to the extent provided by law. The Head of School or designee shall ensure that the name of an individual who reports an act of bullying or cyberbullying is withheld from the alleged perpetrator and the perpetrator's parent(s), legal guardian(s) and representative(s) and is redacted from any report of bullying or cyberbullying that is publicly disclosed, to the extent provided by law.

Notification

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

Reporting

As required by Michigan statute, the Academy, through the ESP/EMO Head of School or designee shall provide a report of all verified incidents of bullying and other required information to the Michigan Department of Education on an annual basis, according to the form and procedures established by the Department.

As required by State statute, the Academy's procedures with respect to bullying are contained within this policy, and thus, no administrative guidelines accompany this policy.

Legal References: MCL §380.1310b

Section 11. Use of Seclusion or Restraint.

The Academy shall comply with MCL §380.1307a regarding the seclusion or restraint of Academy students consistent with the model policy issued by the Michigan Department of Education. The ESP/EMO Head of School or designee shall adopt administrative guidelines, consistent with the model policy issued by the Michigan Department of Education in connection with the requirements of Public Acts 394 through 402 of 2016, MCL §380.1307, *et seq.*, regarding the use of seclusion and restraint in public schools. The administrative guidelines shall be applicable to all ESP/EMO administrators, employees, staff, and third-party contractors/subcontractors who work at or on behalf of the Academy. These administrative guidelines shall accomplish the following objectives:

- A. Promote the care, safety, welfare and security of the Academy community and the dignity of each pupil.
- A. Encourage the use of proactive, effective, evidence-and research-based strategies and best practices to reduce the occurrence of challenging behaviors, eliminate the use of seclusion and restraint, and increase meaningful instructional time for all pupils.
- B. Ensure that seclusion and physical restraint are used only as a last resort in an emergency situation and are subject to diligent assessment, monitoring, documentation and reporting by trained personnel.

Legal References: MCL §380.1307a

Section 12. Section 12. Search and Seizure.

The Academy Board has delegated to the ESP/EMO Head of School, Principal and other administrators, the responsibility of safeguarding the safety and well-being of the students in the Academy. In the discharge of this responsibility, the ESP/EMO Head of School, Principal, and other administrators may search Academy property such as computers, iPads, cell phones or other electronic equipment owned or leased by the Academy and used by students, or any other property owned or leased by the Academy, or the personal property of students, including backpacks and vehicles on Academy property or at Academy related events, in accordance with the following policy.

School Property

Academy issued computers, iPads, cell phones, or other electronic equipment owned or leased by the Academy and used by students are the property of the Academy. Students do not have an expectation of privacy in this equipment which may be subject to examination by a school official. The ESP/EMO Head of School, Principal or other administrator may search student issued computers, iPads, cell phone or other electronic equipment owned or leased by the Academy at any time and for any reason.

Student Person and Possessions

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

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

A search of a student's person or intimate personal apparel shall be conducted by a person of the student's gender, in the presence of another ESP/EMO administrator or staff member of the same gender, and only in exceptional circumstances when the health or safety of the student or of others is immediately threatened. Strip searches by the ESP/EMO Head of School, principal, other administrators, employees/staff, school resource officer(s) or any other person acting on behalf of or as a representative of the Academy, on or off school premises, are strictly prohibited.

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

The ESP/EMO shall prepare administrative guidelines to implement this policy.

Legal References: MCL §380.1306

Section 13. Section 13. Interrogation of Students.

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

Such agencies should be encouraged to investigate alleged violations of the law off the Academy property, if possible. An investigation by such an agency may take place immediately on Academy property at the request of the ESP/EMO Head of School, Principal or other administrator if the alleged violation of law took place on Academy property or in emergency situations.

When police or other authorities arrive at the Academy and wish to interview a student or investigate an alleged violation of law, they must contact the ESP/EMO Head of School, Principal or other administrator indicating the nature of their investigation and their desire to question a student or students.

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

If the student is the subject of a child abuse/neglect investigation, and the investigating agency indicates that the parent/guardian or a family member is believed to be the perpetrator, the ESP/EMO Head of School, Principal or administrator shall not contact either parent or guardian prior to the interview if requested by the investigator.\

If an authorized law enforcement officer or child protection agency removes a student, the ESP/EMO Head of School, Principal or other administrator shall promptly notify the parent/guardian and the ESP/EMO.

No school official may release personally identifiable student information in education records to the police or children's services agency without prior written permission of the parent/guardian, a lawfully-issued subpoena, a court order, or as otherwise required by law, except in cases of an emergency involving the health or safety of the student or other students. Directory information

may be disclosed upon request.

Section 14. Section 14. Family Educational Rights and Privacy Act

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

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

1. name;
2. residence address;
3. telephone number
4. email address;
5. participation in officially recognized activities and sports;
6. height, if member of an athletic team;
7. weight, if a member of an athletic team which requires disclosure to participate;
8. grade level, and date of actual or expected graduation;
9. awards or honors received;
10. photographs;
11. videos of students participating in school activities, events or programs.

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

(a) date and place of birth;

major field of study;

dates of attendance;

most recent previous educational agency or institution;

Social Security number.

The annual notice shall be included in the Parent/Student Handbook and shall inform parents/guardians and eligible students that they may refuse to allow the Academy to disclose such "directory information" upon written or electronic notification to the Academy using the "opt out" form provided with the notice. If a parent or guardian of a student or an eligible student elects to "opt out" of the disclosure of any specific type of directory information, the Academy will elect not to disclose any directory information for that student.

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

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

Student records shall be retained and disposed of as required by federal and state law, including the Michigan Retention and Disposal of Records Schedule.

Leg References: Family Educational Rights and Privacy Act of 1974 (FERPA),
 20 U.S.C. §1232(g); 34 CFR §99.1
 MCL §380.1136

Section 15. Section 15. Prohibited Conduct Regarding Personally Identifiable Information.

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

Legal References: MCL §380.1136

Section 16. Section 16. Covered Data and Information.

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

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

CDI to the Academy.

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

The ESP/EMO shall immediately or within two (2) business days of discovery at the latest, report to the Academy Board, in writing, any use or disclosure of CDI not authorized by the Agreement between the ESP/EMO and the Academy, or by applicable federal, state or local laws, rules and regulations. The ESP/EMO's report shall identify: (i) the nature of the unauthorized use or disclosure; (ii) the CDI used or disclosed; (iii) who made the unauthorized use or received the unauthorized disclosure; (iv) what actions, if any, the ESP/EMO has taken or shall take to mitigate any deleterious effect of the unauthorized use or disclosure; (v) what corrective action the ESP/EMO has taken or shall take to prevent future similar unauthorized use or disclosure; and (vi) such other information as reasonably requested by the Academy Board.

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

Section 17. Section 17. Extra-Curricular and Co-Curricular Activities; Code of Conduct.

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

The ESP/EMO Head of School or designee shall develop and administer a program of student clubs and other activities. The ESP/EMO Head of School or designee shall develop guidelines for the maintenance of student activity funds in support of these organizations

Extra-Curricular and Co-Curricular Code of Conduct

The ESP/EMO Head of School or designee shall publish as an administrative guideline an Extra-Curricular and Co-Curricular Code of Conduct, which will apply to all Academy students participating in all Extra-Curricular activities. This Code of Conduct shall apply on a twelve (12)-month basis to all student participants, and to conduct on and off Academy property. The Extra-Curricular and Co-Curricular Code of Conduct supplements, but does not supersede or modify, the Student Code of Conduct published by the Academy in the Parent/Student Handbook or as amended.

Section 18. Section 18. Equal Access for Academy Sponsored Activities.

Secondary students of the Academy may also initiate other clubs and activities, which may use Academy facilities under the following rules. Academy facilities may not be used by non-Academy-sponsored student clubs and activities or Academy-sponsored, extra-curricular clubs

and activities during instructional hours. During non-instructional time, no group of students, regardless of the size of the group, will be denied an opportunity to meet because of religious, political, philosophical, or other content of the activity.

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

Legal References: MCL §380.1299

Section 19. Section 19. Medications.

Medications Generally

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

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

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

- A. As used in the Model Policy, the term "physician" means any health care provider licensed by the State of Michigan to prescribe medication.
- A. All documentation provided in connection with this Policy, including medication administration logs, shall be retained for three (3) years after the student graduates or otherwise leaves the Academy, or until the student's 19th birthday, whichever occurs later.

The ESP/EMO Head of School or designee shall publish the Model Policy, with the clarifications or revisions identified above, as an administrative guideline, and amend the guideline to comport with any amendment(s) to the Model Policy.

The ESP/EMO Head of School or designee is authorized to make additional non-substantive wording changes in the Model Policy, and to revise or supplement the forms that accompany the Model Policy, to conform with practices in and the policies and needs of the Academy.

Epinephrine Auto Injectors (Epi-Pens)

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

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

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

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

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

The ESP/EMO Head of School or designee shall issue administrative guidelines to ensure the proper implementation of this Policy.

Legal References: MCL §§380.1178, 1178a and 1179

Section 20. Section 20. Health and Immunizations.

The Academy Board requires that all students and parents/guardians comply with the Michigan Department of Community Health and the Michigan Public Health Code relative to student immunizations and hearing and vision screening. All students entering Kindergarten are required to have their hearing and vision screened prior to the start of school as required by the Michigan Department of Community Health.

The Michigan Public Health Code (Act 368 of 1978 as amended) mandates that a child must have at least a minimum dose of each school required vaccine and that the parent/guardian must provide the Academy with the student's official immunization record prior to acceptance for enrollment.

Parents/Guardians are required to submit documentation to the Academy in one of the following categories:

1. A completed, certified State of Michigan Nonmedical Immunization Waiver form; or
2. A State of Michigan Medical Contraindication form signed by a physician; or

3. A student's complete immunization record.

Students will be excluded from enrolling in the Academy based on the public health code if a completed immunization record or certified waiver form is not submitted to the Academy, unless the student is in a dose waiting (provisional) period. A parent/guardian whose student is registered and enrolled in the Academy must submit an updated certificate of immunizations within the time period required under Michigan law. Waiver forms that are altered in any manner cannot be accepted by the Academy.

These requirements apply to all students who are enrolled in Kindergarten or 7th grade and any newly-enrolled student.

Section 21. Section 21. Homeless Students

The Academy shall comply with the McKinney-Vento Homeless Assistance Act. Students enrolled in the Academy who meet the definition of "Homeless" under the Act shall be provided a free and appropriate public education in the same manner as all other students enrolled in the Academy. No homeless student will be denied enrollment based on a lack of proof of residency. No Academy Board policy, administrative guideline, practice or procedure shall be interpreted to or applied in a way to inhibit the enrollment, attendance or educational success of a homeless student.

Homeless students shall be provided services comparable to other Academy students including:

(a) Transportation services;

Educational services that the homeless student is eligible to receive, including services under Title I of the Elementary and Secondary Education Act or similar State and local programs, federal, state and local programs for students with disabilities, and educational programs for students with limited English proficiency;

Vocational and technical education programs;

Gifted and talented student programs; and

Student nutrition programs.

The Academy designates the following individual as the Academy Homeless Liaison:

Marianne Marzolla
616.309.1600 Ext. 7638
mamarzolla@k12.com
5910 Tahoe Drive S.E.
Grand Rapids, Michigan 49546

Section 22. Section 22. A Student In Foster Care

If a child is under the jurisdiction of the probate court and/or is under the care and responsibility of a child welfare agency is placed in foster care, the child will be permitted to enroll in and attend the appropriate grade in the Academy selected by the department of human services or a child placing agency.

ARTICLE IV. PERSONNEL OF ESP/EMO.

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

The Academy Board contracts with the ESP/EMO to provide management, operational and staffing services, among other services. As the employer of the Head of School, Principals, administrators, employees and staff assigned to work at or on behalf of the Academy, the ESP/EMO is responsible to hire, fire, discipline, evaluate, promote, transfer, and determine pay and benefits within the parameters of the Academy Board budget. The ESP/EMO is responsible to comply with all federal, state, and local employment laws, rules and regulations, the terms of the Charter Contract and the terms of the Educational Products and Services Agreement between the ESP/EMO and the Academy.

Section 2. Criminal Background Checks and Unprofessional Conduct Checks.

The ESP/EMO agrees that it shall comply with all applicable federal, state and local laws, rules and regulations regarding criminal history record information (“CHRI”) fingerprint checks and unprofessional conduct checks for its employees and staff who regularly and continuously work with students in an Academy building or on Academy premises. Any contracts entered into between the Academy and/or the ESP/EMO and a third-party vendor or contractor shall require criminal history record information fingerprint checks and unprofessional conduct checks.

Legal References: MCL §§380.1230, 1230a, 1230b, 1230c, 1230d, 1230g

Section 3. Performance Evaluations.

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

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

Legal References: MCL §380.1249

Section 4. Performance Based Compensation.

The ESP/EMO Head of School shall develop, for Academy Board review and approval, a compensation system that includes a performance bonus as permitted or required by Michigan law.

Legal References: MCL §380.1250

Section 5. Professional Development.

The ESP/EMO shall provide professional development to ESP/EMO employees and staff as required by applicable laws, rules and regulations and as determined to be in the best interest of the Academy. The Academy Board shall approve a budget for professional development. The ESP/EMO Head of School must approve all ESP/EMO staff attendance at seminars, conferences and workshops at off-site locations.

Section 6. Gifts to ESP/EMO Employees and Staff.

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

ESP/EMO employees and staff and other third-party contracted staff, contractor or vendor, may not accept gifts of any type or value that has the purpose or appearance of influencing a decision or judgment, or that may be considered a conflict of interest or creating an appearance of impropriety.

Section 7. Professional Appearance of ESP/EMO Staff.

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

Section 8. Outside Activities.

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

ESP/EMO employees and staff members are prohibited from using work time to engage in an outside interest, activity, or association.

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

ESP/EMO employees and staff members shall not use their position with the Academy to influence

parents, students, volunteers, other third-party staff, contractors, subcontractors or vendors to expend or contribute monies for goods, services, programs, fundraisers or the like.

Section 9. Political Campaigns and Ballot Proposals or Initiatives.

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

Section 10. Proprietary Information.

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

ESP/EMO employees and staff members who seek a copyright or patent interest in their work are subject to the following rules:

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

Section 11. Confidentiality.

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

Section 12. Relationships with Students Prohibited.

Sexual relationships, dating and deep emotional attachment between an ESP/EMO employee or staff member, or other third-party contracted staff member, vendor or contractor, and a student are prohibited, regardless of the student's age or sex. ESP/EMO employees and staff members, and other third-party contracted staff member, vendor or contractor are expected to recognize that

adolescents may misinterpret comments of a personal nature and should ensure that their relationships with students are conducted at all times, including periods of school vacations or outside of school, in a professional and appropriate manner.

The extension of relationships between ESP/EMO employees or staff members, or other third-party contracted staff member, vendor or contractor and students through social media should also be closely and carefully managed and should be limited to class/school specific sites intended to expand school learning opportunities or provide classroom information to students.

ESP/EMO employees and staff, and other third-party contracted staff member, vendor or contractor are prohibited from providing cell phones, computers, tablets or other electronic devices to students for purposes of communicating with students outside of the classroom. ESP/EMO employees and staff members or other third-party contracted staff member, vendor or contractor should not be alone with students on school premises or off school premises except in appropriate, school-related circumstances.

Section 13. Compliance with Michigan Sex Education Statute; Prohibition of Abortion Referral or Assistance.

The Academy shall comply with the requirements of MCL §380.1507, dealing with instruction in sex education and related subjects. As required under MCL §388.1766, a school official, member of the Academy Board, or a person employed by the Academy or the ESP who refers a student for an abortion or assists a student in obtaining an abortion, and who is not the parent or legal guardian of the student, shall be subject to appropriate discipline/removal.

Legal References: §380.1507; §388.1766

ARTICLE V. FINANCES.

Section 1. Fiscal Management.

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

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

Legal References: MCL §141.421 *et seq*

Section 2. Deposit of Academy Funds.

Within three (3) business day after it receives funds, the Academy, the Academy Board Treasurer

or the ESP/EMO shall deposit such funds in the Academy Board designated bank, savings and loan association or credit union which is eligible to be a depository of surplus funds belonging to the state, as required by state law.

Legal References: MCL §21.146

Section 3. Annual Budget and Fund Equity.

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

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

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

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

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

Section 4. Grant Funds.

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

The ESP/EMO is responsible for the efficient and effective administration of grant funds. The financial management and administration of grants must adhere to all applicable federal, state and

local laws, rules and regulations, any grantor rules, regulations and conditions of the grant award, and the Academy's policies and administrative guidelines, and shall comply with OMB Circular A-87 and EDGAR (part 76) regarding allowable costs for the use of federal grant funds.

Section 5. General Purchasing.

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

It is the general policy of the Board of Directors that the purchase of all supplies, materials and equipment be at the lowest possible cost in the best interest of the Academy. All procurement processes should use good administrative practices and judgement and free of any real or apparent conflict of interest. All procurements are to be conducted in a manner which provides open competition as required by law. The lowest responsible bidder shall generally be awarded the contract; however, the Academy Board reserves the right to accept any bid/proposal that it feels is in the best interest of the Academy.

If the reasonably anticipated purchase price for supplies, materials or equipment is more than \$10,000.00 for a single item, except in cases of emergency, or when the supplies, materials, or equipment purchased are of such a nature that price negotiation would not result in a savings to the Academy, then the Academy must obtain and document telephone quotes from at least three (3) vendors, to the extent possible.

If the reasonably anticipated purchase price for supplies, materials or equipment exceeds \$10,000.00, but is less than the State of Michigan competitive bidding threshold, as adjusted annually, then the Academy must contact a reasonable number of potential vendors and obtain informal written quotes from at least three (3) vendors, to the extent possible.

If the reasonably anticipated purchase price for the supplies, materials or equipment exceeds the State of Michigan competitive bidding threshold, as adjusted annually, a procurement process with competitive bids/proposals is required. However, competitive bids/proposals are not required for the purchasing of food unless the food purchased in a single transaction costs \$100,000.00 or more. Academy Board approval is required for purchases over the State of Michigan competitive bidding threshold, as adjusted annually.

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

The Board of Directors reserves the right to accept or reject any and all bids/proposals, in whole or in part. The Board of Directors reserves the right to waive any informalities or irregularities in the procurement process or a bid/proposal, and the right to award to other than the lowest bidder.

Legal References: MCL §380.1274; MCL §18.1263

Section 6. Purchasing with Federal Funds (Procurement).

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

It is the general policy of the Board of Directors that the purchase of all federally funded supplies, materials, equipment and services be at the lowest possible cost in the best interest of the Academy. All procurement processes should use good administrative practices and judgement and free of any real or apparent conflict of interest. All procurements are to be conducted in a manner which provides open competition. The lowest responsible bidder shall generally be awarded the contract; however, the Board of Directors reserves the right to accept any bid/proposal that it feels is in the best interest of the Academy.

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

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

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

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

The Board of Directors reserves the right to accept or reject any and all bids/proposals, in whole or in part. The Board of Directors reserves the right to waive any informalities or irregularities in the procurement process or a bid/proposal, and the right to award to other than the lowest bidder.

Legal References: 2 CFR §200.300; 2 CFR §200.303; 2 CFR §200.318-326; 2 CFR §200.88;

Section 7. Academy Credit Cards.

The Academy Board recognizes that a bank credit card offers a convenient, efficient method of purchasing goods and services for the Academy. The Academy Board desires to obtain an institutional Academy credit card, for use for Academy related purposes only. The Academy Board authorizes a limit of Seven Thousand Five-Hundred Dollars (\$7,500.00) for the Academy credit card. The Academy Board designates the ESP Head of School to use the Academy credit card for official Academy related purposes only. The ESP shall develop administrative guidelines and internal controls regarding the use of the Academy credit card by the Head of School, subject to input and review by the Academy Board.

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

All invoices/statements received by the Head of School shall be submitted to the Academy Board Treasurer, prior to payment by the Academy. All invoice/statements submitted by the Head of School must be approved by the Academy Board Treasurer. The credit card invoices/statements shall be paid by the Academy, within the time for the Academy to avoid interest and late fees, to the extent practicable.

The Head of School shall immediately surrender the Academy credit card upon request of the Academy Board President or Treasurer or upon separation from employment with the ESP or reassignment by the ESP from the Academy. A lost or stolen credit card must be immediately reported to the Academy Board President and Treasurer. If the Academy credit card is lost or stolen the Head of School must immediately report this to the Academy Board Treasurer.

Section 8. Investments.

Prudent oversight of the Academy's funds by the ESP/EMO and the Academy Board is required. The ESP/EMO, subject to approval by the Academy Board, is responsible for making prudent investment decisions of the Academy's funds that are not speculative, risky or subject to extreme volatility. The ESP/EMO shall develop and implement procedures and internal controls to protect the Academy's funds and investments. The procedures must comply with the requirements of the Governmental Accounting Standards Board (GASB) and the Michigan Revised School Code.

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

Investment professionals or advisors utilized by the Academy must be approved by the Academy Board in advance of any professional advice or work done on the Academy's behalf and must be advised of the Academy's investment requirements and restrictions. All investment professionals

utilized by the Academy must meet any required licensing, certification and bonding requirements under state and federal laws, rules and regulations and maintain insurance in the type and amount standard in the industry.

Section 9. Risk Management.

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

Section 10. Audit.

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

The Academy Board shall select its independent auditor.

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

Section 11. Fixed Assets/Inventory.

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

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

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

Section 12. Surplus Property.

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

property.

Section 13. Electronic Transactions.

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

Section 14. Credit Card Holder Data Security.

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

Section 15. Fundraising.

Any fundraising project by an Academy school organization shall require the approval of the ESP/EMO Head of School, including all school-wide fundraising projects. All fundraising projects shall be compatible with the Academy's purpose, goals, and general community expectations. The name of the Academy (either directly or through inference/affiliation) or the Academy Board shall not be used in any fundraising efforts or on any materials, notices or advertising unless the Academy Board approves same.

ARTICLE VI. FACILITIES AND OPERATIONS.

Section 1. Toxic Hazard and Asbestos Hazard Emergency Response.

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

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

Section 2. Pest Management.

The ESP/EMO shall develop rules and regulations to minimize the use of pesticides in the

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

Legal References: MCL §324.8316

Section 3. Tobacco Free Environment.

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

Section 4. Alcohol and Drug Free Workplace.

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

Section 5. Weapons.

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

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

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

This Policy does not prohibit:

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

ESP/EMO employees and staff members shall report possession of dangerous weapons and or/threats of violence by students, other employees and staff members, or visitors to the ESP/EMO Head of School. Failure to report such information may subject the ESP/EMO employee or staff member to immediate removal from the Academy's premises and discipline by the ESP/EMO.

Section 6. Bloodborne Pathogens.

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

The ESP/EMO shall develop and implement an exposure control plan as required by law. A copy of the exposure control plan shall be maintained in the Head of School's office. Training for ESP/EMO employees and staff and other third-party staff members, contractors or vendors who are at daily or occasional risk of exposure shall be provided by the ESP/EMO.

Section 7. Communicable and Infectious Diseases.

The Academy shall work cooperatively with the local County Health Department to enforce and comply with the Michigan Public Health Code relative to the prevention, control and containment of communicable and infectious diseases. The Academy shall abide by all state laws, rules and regulations and any emergency orders issued with the force of law relative to the prevention, control and containment of communicable and infectious diseases.

Section 8. Cardiac Emergency Response Plan.

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

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

Section 9. Emergency Operations' Plan.

The ESP/EMO shall develop an Emergency Operations' Plan to be approved by the Academy Board. The ESP/EMO shall review the Emergency Operations' Plan annually with local law enforcement and shall update the Emergency Operations' Plan as necessary, with approval by the Academy Board.

The ESP/EMO Head of School is authorized to close schools in case of inclement weather or other emergencies, in the Head of School's sole discretion, when it is unsafe for students to attend school or engage in school activities.

Section 10. Health, Safety and Welfare.

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

Section 11. Fire and Emergency Safety.

As part of the Emergency Operations Plan, the ESP/EMO Head of School shall develop a fire and emergency safety operations plan that complies with state and federal law, rules and regulations. In developing this Plan, the ESP/EMO Head of School shall consult with local public safety agencies with which the Academy will work in the event of an emergency.

Section 12. Designation of Emergency Contact for Michigan State Police.

The Academy Board shall designate the ESP/EMO Head of School as the emergency contact for the Michigan State Police and ensure that the designated Head of School is able to receive reports at any time regarding information submitted to the statewide school safety hotline.

Section 13. Designation of Liaison to the State of Michigan School Safety Commission and Department of State Police.

The Academy Board shall designate the ESP/EMO Head of School as the liaison to the Michigan School Safety Commission and the Office of School Safety.

Section 14. Reporting of Incidents of Crime to the Michigan Department of State Police and the Office of School Safety.

The ESP/EMO shall designate an employee or staff member to report certain incidents of crime to the Department of State Police and the Office of School Safety on a quarterly basis.

Section 15. Transportation of Students.

In limited circumstances, the Academy may be required to provide transportation services for students. The ESP/EMO Head of School shall establish rules, regulations and guidelines for student transportation. Violation of the Academy's transportation rules, regulations and guidelines may result in the student's removal from Academy-provided transportation services.

Section 16. Web-Site Accessibility.

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

The Academy's website shall be compliant with Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act so that students, prospective students, ESP/EMO employees and staff, other third-party contracted staff members, contractors or vendors, parents, visitors, Academy's guests and members of the public with disabilities are able to acquire the same information, engage in the same interactions and enjoy the same benefits and services within the same timeframe as their nondisabled peers with substantially equivalent ease of use, and are not excluded from participation in, denied the benefits of, or are otherwise subjected to discrimination in any of the Academy's programs, services and activities that are delivered online, as required by Section 504 and Title II of the ADA.

The Academy's Web-Site Accessibility Coordinator is:

Josh Woods-Wallis
Operations Manager
Jweld-wallis@k12.com
5910 Tahoe Drive S.E.
Grand Rapids, Michigan 49546

The ESP/EMO shall develop administrative regulations consistent with applicable federal and state laws, rules and regulations so that the Academy complies with its legal obligations regarding web-site accessibility

Section 17. Acceptable Use Policy: Technology and Internet Safety.

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

The ESP/EMO shall develop and implement administrative guidelines, regulations and user agreements that are consistent with the purposes of the Academy, its mission, goals and Educational Program and that comply with applicable law, including the Children's Internet

Protection Act (CIPA) and the Children’s On-Line Privacy Protection Act (COPPA). The Academy shall use technological measures to block or filter access to portions of the Internet containing visual depictions of materials deemed obscene or pornographic, including child pornography, and other material that may be harmful to minors, and to comply with CIPA and COPPA.

The Academy shall cooperate fully with local, state and federal authorities in any investigation concerning or related to any illegal activities or activities not in compliance with Academy policies, administrative guidelines, regulations, procedures and user agreements using Academy provided technology and Internet.

Section 18. Copyrighted Works.

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

Section 19. Privacy of Social Security Numbers.

The Academy may maintain social security numbers of its students, ESP/EMO employees and staff members and others in the ordinary course of business in accordance with Michigan law. The ESP/EMO shall implement necessary administrative guidelines, rules and regulations to protect the confidentiality of the social security numbers and the privacy rights of the individuals as required by federal and state laws, rules and regulations.

Section 20. Criminal Justice Information Security.

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

Local Agency Security Officer

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

Contractors and vendors with access to the Academy system hardware and software must have

completed a state and federal finger-print based CHRI background check and may not have a felony record of any kind or a confirmed outstanding arrest warrant.

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

CHRI Media Protection

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

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

CHRI media includes the following:

- Physical CHRI media such as paper/hard copies
- Digital CHRI media such as laptops, computer hard drives; and any removeable, transportable digital memory media, such as magnetic tape or disk, optical disk, flash drives, external hard drives, or digital memory card(s).

If the Academy needs to transport CHRI, the following procedures will be used:

- The LASO will handle and transport all CHRI media.
- The LASO will transport all materials from one office directly to the new location during the work hours of 8:00 am to 5:00 pm. Transportation will occur only upon justification and approval by the Academy Board.
- The LASO will transfer the CHRI in a locked, rolling container. The container shall have a built- in lock that only the LASO has access to by key.
- The CHRI is to remain in the physical possession of the LASO until the CHRI media is delivered to its intended destination.

Digital Media Sanitation and Disposal

Disposal of Physical Media

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

Incident Response

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

Should the LASO suspect a breach, the LASO shall notify the Head of School within 24 hours. The Head of School shall notify the Academy Board President immediately. If the Head of School suspects a breach, the Head of School shall notify the Academy Board President within 24 hours. Should an ESP employee or staff member suspect a breach, they shall notify the Head of School and the Academy Board President within 24 hours. Should an employee or staff member of the ESP or a third-party vendor or contractor suspect a breach, the individual shall notify the Head of School and the Academy Board President within 24 hours.

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

CHRI Safeguard Procedures

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

1. Follow this Information Security Policy to maintain hardware and software to prevent unauthorized access or intrusion into Academy information systems (firewalls, virus detection, malware/spyware detection). Maintain locked doors and/or cabinets to prevent unauthorized physical access to CHRI.
2. Use information security protocols to monitor and detect unauthorized access to electronic media. Monitor the secure aware by alarms and provide
3. **Analysis:** If a suspected breach occurs, the LASO, Academy Board or the

Head of School shall conduct an investigation to identify if a breach occurred, how the breach occurred and what systems or data were compromised and affected.

4. **Containment:** The LASO, Academy Board or the Head of School shall take action to stop the spread of suspected intrusion, prevent further disclosure or contain the suspected breach.
5. **Eradication:** When necessary, the LASO, Academy Board or the Head of School shall create a removal plan of the intrusion before the system is restored and steps are taken to prevent reoccurrence.
6. **Recovery:** The LASO shall take steps to recover the missing or disclosed CHRI files or documents and store them according to Academy CHRI storage protocols.
7. **Reporting:** The Academy shall promptly report digital and physical incidents that significantly endanger the security or integrity of the Criminal Justice Information (CJI) to the Michigan State Police “Information Security Officer (ISO) on CJIS-016 FORM in compliance with the FBI Criminal Justice Information Services (CJIS) Security Policy. The CJIS-016 FORM is located at the SAS website: www.michigan.gov/cjicats (Forms).
8. The Academy, through the LASO, Academy Board or the Head of School may contact law enforcement and make a report or contact the ESP’s and the Academy’s legal counsel, if considering pursuit of a civil and/or criminal action.
9. The LASO shall retain any completed CJIS-016 Form(s) in the same locked filing cabinet that stores the Academy CHRI results at the Academy’s facility.

Lost Mobile Device

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

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

Secondary Dissemination

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

Fields required for the log are:

1. Date the record was shared.
10. Record disseminated.
11. Requesting agency.
12. Requestor's name.
13. Method of sharing; U.S. Mail, landline fax, or within the Criminal History Record Internet Subscription Service (CHRISS). (No emailing may be used unless encrypted).
14. Academy personnel or ESP employee or staff member that shared the CHRI.

Security Awareness Training

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

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

Section 21. Data Breach Response Plan.

The ESP/EMO Head of School shall develop a Data Breach Response Plan on behalf of the Academy, which Plan must be approved by the Academy Board.

ARTICLE VII. COMMUNITY RELATIONS.

Section 1. Information Generally.

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

Section 2. Freedom of Information Act.

(a) Freedom of Information Act Policy.

It is the policy of Michigan Virtual Charter Academy (“the Academy”) that all persons are entitled to full and complete information regarding governmental decision-making, consistent with the Michigan Freedom of Information Act (the “FOIA” or the “Act”). For purpose of this policy, a “public record” means: a writing prepared, owned, used, in the possession of, or retained by the Academy in the performance of an official function, from the time it is created. Public record does not include computer software.

GENERAL INFORMATION

1. All officers, employees, and agents of the Academy shall protect public records from loss, unauthorized alteration, mutilation, or destruction.
2. The Operations Manager is hereby designated the “FOIA Coordinator” with the authority and responsibilities stated in the Act and these procedures and guidelines.
3. The FOIA Coordinator shall be responsible to accept and process all written requests for public records under the Act and shall be responsible for approving a denial under Section 5 of the Act (MCL §15.235). The FOIA Coordinator may designate an alternate FOIA Coordinator to act when the FOIA Coordinator is unavailable.
4. These procedures and guidelines regarding time frames, appeals, and fees do not apply to public records prepared for, or disclosed pursuant to another act or statute (*i.e.*, requests for medical records made pursuant to the Public Health Code, or requests made pursuant to the Public Employment Relations Act or the Bullard-Plawecki Employee Right to Know Act, etc.).

WRITTEN REQUESTS

1. All individuals desiring to inspect or receive a copy of a public record shall make a written request to the FOIA Coordinator that describes the public record sufficiently to enable the FOIA Coordinator, or his/her designee, to identify and locate the public record.
2. The FOIA Coordinator, or any other designee, is not required to respond to oral requests for public records but may do so for routine requests that can be granted immediately.
3. If a written request is received directly by an ESP employee or staff member other than the FOIA Coordinator, the original shall be promptly forwarded to the FOIA Coordinator. The date the FOIA Coordinator receives the request shall be considered the date the request is validly received by the Academy, for the purpose of determining when a response is due.

4. A written request made by facsimile, electronic mail, or other electronic transmission is not deemed received by the FOIA Coordinator until one (1) business day after the electronic submission is made. If a request is delivered to a spam or junk mail folder, the request is not received by the FOIA Coordinator until one (1) business day after it is discovered and forwarded to the FOIA Coordinator.
5. Upon receiving a written request for a public record pursuant to these procedures and guidelines, a person or entity has the right to inspect, copy, or receive copies of the requested public record(s), unless the requested public record is exempt from disclosure pursuant to Section 13 of the Act (MCL §15.243), as amended. If the exempt status of any request is questioned, legal counsel may be consulted. New public records, compilations, summaries, and/or reports of information shall not be created in response to a FOIA request.
6. Upon request for public inspection, the FOIA Coordinator, or any other designee, shall furnish a requestor a reasonable opportunity for inspection and examination of the requested public records, subject to applicable exemptions, and shall furnish reasonable facilities for making memoranda or abstracts from its public records during regular business hours.
7. A requestor may stipulate that the public records be provided on non-paper physical media, electronically mailed, or otherwise electronically provided to him or her in lieu of paper copies. Notwithstanding the foregoing, such stipulation must be within the technological capabilities of the Academy.
8. A person or entity may subscribe to future issuances of public records that are created, issued, or disseminated on a regular basis. A subscription shall be valid for up to six months, at the request of the subscriber, and shall be renewable.
9. If a requested public record may be obtained on the Academy website or webpage, the FOIA Coordinator shall notify the requestor in writing of such availability and provide the direct internet address or link to obtain such public record. If, after receiving such written notification from the FOIA Coordinator, the requestor notifies the Academy that he or she continues to want the Academy to provide a copy of the available public record, in any format, the Academy shall process such request and may impose additional labor costs as specified below.

REQUEST PROCESSING

1. When the Academy receives a written request for a public record, the FOIA Coordinator, or any other designee, shall, in not more than five (5) business days after the Academy receives the request, respond to the request by one of the following:

- a. Grant the request.
- b. Issue a written notice to the requestor denying the request.
- c. Grant the request in part and issue a written notice to the requestor denying the request in part.
- d. Issue a written notice extending, for not more than ten (10) business days, the period during which the Academy shall respond to the request.

For purposes of computing the deadline to respond to a request under this policy, the term “business day” shall include any day that is not a Saturday, Sunday or State of Michigan official holiday, regardless of whether the Academy is open for business on that day.

2. Any failure to respond to a written request as provided for above constitutes the Academy’s determination to deny the request.
3. Any written response denying a request for a public record, in whole or in part, is a final determination to deny the request or portion of that request. A denial response should contain the following:
 - a. An explanation of the basis under the Act or other statute for the determination that a public record(s), or portion(s) thereof, is exempt from disclosure, if that is the reason for denying all or part of a request.
 - b. A statement that the public record(s) do not exist under the name/description given by the requestor or by another name reasonably known to the Academy.
 - c. A description of a public record(s) or information on a public record that is separated or deleted if such separation or deletion is made.
 - d. A full explanation of the requestor’s right to either file an appeal with the Head of School or seek judicial review of the denial pursuant to Section 10 of the Act (MCL §15.240).
 - e. Notice that a requestor may receive attorneys’ fees and damages pursuant to the Act if the Court determines that the Academy has not complied with Section 5 (MCL §15.235) of the Act and orders disclosure of all or a portion of a public record.

DEPOSIT & FEES

1. Fees for responding to any request shall include duplication (copying) costs and mailing costs. Duplication (copying) costs shall be set from time to

time by resolution of the Board of Directors in an amount that does not exceed 10 cents per page (8½ x 11 and 8½ x 14), and currently shall be 10 cents per page. The Academy shall use the most economical method of duplication (*i.e.*, double-siding, etc.) and the least expensive form of postal delivery, unless a more expensive method is specifically requested by the FOIA requestor.

2. The cost of hourly labor may also be charged if the failure to do so will result in unreasonably high costs to the Academy because of the nature of the request in a particular instance. If such is the case, the Academy shall specifically identify the nature of these unreasonably high costs. For purposes of these procedures and guidelines, “unreasonably high costs” shall generally mean calculated labor costs that are estimated to exceed \$50.00, inclusive of salary or wage and fringe benefits.
3. Labor costs shall include the cost of the search, examination, review, separation, and/or deletion of exempt information from non-exempt information in order to fulfill a request.
4. Labor costs will be calculated using the wage of the lowest paid ESP/EMO employee or staff member assigned to work at or on behalf of the Academy capable of searching for, locating, and examining the public record(s), regardless of whether that person is available or actually performs the labor. Labor costs shall be charged in increments of at least 15 minutes or more with all partial time increments rounded down. The Academy may also add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits. If it does so, it will clearly note the percentage multiplier used to account for benefits in the detailed itemization form. Subject to the 50% limitation, the Academy shall not charge more than the actual cost of fringe benefits of the ESP employee or staff member and overtime wages shall not be used in calculating the cost of fringe benefits. Notwithstanding the foregoing, 100% of fringe benefit costs may be added to the applicable labor charge if a requestor is notified in writing that public records are available on the Academy’s website or webpage and the requestor continues to request that the Academy provide a copy, in any format, of the available public record.
5. Overtime wages shall not be included in the calculation of labor costs unless the requestor specifically approves the use of overtime in writing, and overtime wages are clearly noted in the detailed itemization form.
6. If the Academy does not employ a person in-house (other than an ESP Employee or staff member) who is capable of separating exempt from non-exempt information in a particular instance, as determined by the FOIA Coordinator, it may utilize an outside contractor. In those instances, the Academy shall clearly note the name of the contractor or firm on the detailed itemization form. The cost of the contractor’s labor, including

necessary review directly associated with separating and deleting exempt information from non-exempt information, shall not exceed an amount equal to 6 times the state minimum hourly wage rate.

7. The Academy will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.
8. The Academy may require a good faith deposit (not to exceed 50% of the total labor and duplication costs) from the requestor, if the total estimated fee exceeds fifty dollars (\$50.00). A request for a good faith deposit shall include a detailed itemization of the fee the Academy estimates or charges pursuant to the Act. Additionally, a request for a good faith deposit shall include a best-efforts estimate regarding the time frame it will take to comply with the Act in providing the public records to the requestor. The Academy may require a one-hundred percent (100%) deposit from a requestor who has not previously paid a fulfilled FOIA request, provided the requirements in Section 5 of the Act are met.
9. All fees and deposits calculated under these procedures and guidelines shall be listed within a detailed itemization form that shall be provided to the requestor. A copy of such form is attached hereto and incorporated by reference.
10. Pursuant to Section 4(2) of the Act, the Academy shall search for and furnish a copy of a public record without charge for the first \$20.00 of the fee for each request made by either of the following:
 - a. An individual who is entitled to information under the Act and who submits an affidavit stating that the individual is indigent and receiving specific public assistance or, if not receiving public assistance, stating facts showing an inability to pay the cost because of indigence. If an individual is ineligible for a discount, then the Academy will inform the individual of the specific reason for the ineligibility in its written response. The right to financial assistance for indigent individuals shall not apply where:
 - (i) an individual has received discounted copies of public records from the Academy twice during the calendar year; or
 - (ii) an individual requests information in conjunction with outside parties who are offering or providing payment, or other remuneration to the individual to make the request.
 - b. A non-profit organization formally designated by the state to carry out activities under Subtitle C of The Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, and The Protection and Advocacy For Individuals With Mental Illness

Act, Public Law 99-319, or their successors provided the following requirements are satisfied:

- (i) The request is made directly on behalf of the organization or its clients;
 - (ii) the request is made for a reason wholly consistent with the mission and provisions of those laws under Section 931 of the Mental Health Code, MCL 330.1931; and
 - (iii) the request is accompanied by documentation of its designation by the State, if requested by the Academy.
11. The Academy may waive any charges if the FOIA Coordinator determines the cost is *de minimis*. For purposes of these procedures and guidelines, "*de minimis*" shall mean a calculated fee that is estimated to be less than \$10.00, inclusive of labor costs, duplication and mailing.

FEE DISPUTE APPEAL

1. If the requestor believes the fee estimated or charged for the request exceeds the amount permitted under these procedures and guidelines or Section 4 of the Act, the requestor is required to submit to the Head of School, as designee of the Board of Directors, a written appeal for a fee reduction that specifically states the word "appeal" and identifies how the required fee exceeds the amount permitted under these procedures and guidelines or Section 4 of the Act.
2. Within 10 business days after receiving a written appeal, the Head of School shall do one of the following:
 - a. Waive the fee.
 - b. Reduce the fee and issue a written determination to the requestor indicating the specific basis under Section 4 of the Act that supports the remaining fee. The determination shall include a certification from the Head of School that the statements in the determination are accurate and that the reduced fee complies with these procedures and guidelines and Section 4 of the Act.
 - c. Uphold the fee and issue a written determination to the requestor indicating the specific basis under Section 4 of the Act that supports the required fee. The determination shall include a certification from the Superintendent that the statements in the determination are accurate and that the fee complies with these procedures and guidelines and Section 4 of the Act.
 - d. Issue a notice extending, for not more than ten (10) business days,

the period during which the Head of School shall respond to the written appeal. The notice of extension shall include a detailed reason or reasons why the extension is necessary. The Head of School shall not issue more than one notice of extension for a particular written appeal.

3. If a requestor disagrees with the Academy's determination, the requestor may commence an action in Oakland County Circuit Court within 45 days of the Academy's determination to seek a fee reduction.

RIGHT TO APPEAL A DENIAL OF A PUBLIC RECORD REQUEST

1. If a requestor desires to appeal a denial of a request for a public record, in whole or in part, the requestor may submit a written appeal to the Head of School, or may seek judicial review of the denial, pursuant to Section 10 of the Act (MCL §15.240). A written appeal to the Head of School shall specifically state the word "appeal" and identify the reason(s) for reversal of the denial.
2. Within ten (10) business days after receiving a written appeal, the Head of School all do one of the following:
 - a. Reverse the disclosure denial.
 - b. Issue a written notice to the appellant upholding the denial.
 - c. Reverse the denial in part and issue a written notice to the appellant upholding the denial in part.
 - d. Under unusual circumstances, issue a notice extending, for not more than ten (10) business days, the period during which the Head of School shall respond to the written appeal. The Head of School shall not issue more than one (1) notice of extension for a particular written appeal.
3. Any failure to respond to an appeal shall be considered a decision to uphold the denial. If an appeal is denied in whole or in part by the Head of School, the appellant may seek judicial review of the nondisclosure by commencing an action in Circuit Court in Oakland County.

Legal Reference: MCL §15.231 et seq.

(b) Written Summary.

Pursuant to Section 4 of the Michigan Freedom of Information Act, MCL §15.234, (the "FOIA" or the "Act") the Board of Directors of Michigan Virtual Charter Academy, ("Academy Board"), issues this written public summary of the following:

How to Submit Written Requests to the Academy

The Academy requires individuals or entities to submit FOIA requests in writing. FOIA requests may be mailed to the following address:

Operations Manager
FOIA Coordinator
Josh Weld-Wallis
Michigan Virtual Charter Academy
5910 Tahoe Drive S.E.
Grand Rapids, MI 49546
Jweld-wallis@k12.com

An individual or entity may also make a request in person at the above address, or email a request to the Operations Manager, Josh Weld-Wallis.

Please review the following checklist to ensure a timely and accurate response to a request:

Make sure the correspondence is addressed to the “FOIA Coordinator” and includes the proper address and/or email address.

- a. Clearly state that the request is being made for a public record(s) pursuant to the “Freedom of Information Act” or the “FOIA.”
- b. Describe the public record(s) requested in sufficient detail so that it can be more easily identified and located.
- c. Describe the subject matter of the public record(s) requested and, if possible, the approximate date that the public record(s) was created.
- d. Clearly state the manner in which you prefer the Academy to provide the public records, such as: paper copies, non-paper physical media, email, etc. (please note, all requests must be within the technological capabilities of the Academy).
- e. You can stipulate that public records be provided on non-paper, physical media, electronically mailed, or otherwise electronically provided in lieu of paper copies. If the requested public records are available on the Academy’s website and the response includes the website address, then any request for paper format or other form, such as electronic form, may result in additional charges.

How to Understand the Academy’s Written Responses

When the FOIA Coordinator receives a written request for a public record, the FOIA Coordinator, or his or her designee, shall, in not more than five (5) business days after the Academy receives the request, respond to the request in one of the following ways:

- a. Grant the request.

- b. Issue a written notice to the requestor denying the request.
- c. Grant the request in part and issue a written notice to the requestor denying the request in part.
- d. Issue a written notice extending, for not more than ten (10) business days, the period during which the Academy shall respond to the request.

Deposit Requirements

If the estimated cost of responding to a request exceeds \$50.00, the Academy may require a good faith deposit of 50% to be submitted before the request is processed. Once the good faith deposit is submitted, the Academy will process the request. The balance of the cost of the request must be paid before copies may be picked up, mailed, or delivered. Good faith deposits and fees charged for responding to FOIA requests may be mailed to the following address:

Operations Manager
FOIA Coordinator
Josh Weld-Wallis
Michigan Virtual Charter Academy
5910 Tahoe Drive S.E.
Grand Rapids, MI 49546
Jweld-wallis@k12.com

Fee Calculations

The Fee Itemization Form herein provides a line-by-line summary and explanation of the fees that the Academy may charge in response to a request, pursuant to Section 4 of the Act (MCL §15.234(1)).

Avenues for Challenge and Appeal

If the requestor believes the fee estimated or charged for the request exceeds the amount permitted under the Academy's procedures and guidelines or Section 4 of the Act, the requestor must:

- a. Submit to the Head of School a written appeal for a fee reduction that specifically states the word "appeal" and identifies why the requestor believes the required fee exceeds the amount permitted under the Academy's procedures and guidelines or Section 4 of the Act. If the requestor disagrees with the Academy's final determination, the requestor may, after exhausting internal administrative remedies, commence a civil action in Oakland County Circuit Court where the Academy is located for a fee reduction. The civil action must be filed within 45 days of the Academy's final determination to deny a request pursuant to Section 10(1)(b) of the Act.

Any written response denying a request for a public record, in whole or in part, is a final determination to deny the request or portion of that request. A requestor may file an appeal with the Head of School or may seek judicial review of the denial, pursuant to Section 10 of the Act

(MCL §15.240). A requestor may receive attorneys' fees and damages pursuant to the Act if the Court determines that the Academy has not complied with Section 5 (MCL §15.235) of the Act and orders the disclosure of all or a portion of a public record.

References: MCL §15.231 et. seq.

(c) Fee Itemization Form

**MICHIGAN VIRTUAL CHARTER ACADEMY
FREEDOM OF INFORMATION ACT**

FEE ITEMIZATION FORM

Pursuant to Section 4 of the Michigan Freedom of Information Act, MCL 15.234 (the "FOIA" or the "Act"), the following costs will be charged for responses to FOIA requests, pursuant to the FOIA Fee Schedule adopted and periodically revised by the Academy.³

Y N (circle one): A fee for labor cost is being charged because the failure to do so will result in unreasonably high costs to the Academy because of the nature of the request in this particular instance. Specifically, identify the nature of this unreasonably high cost(s)].

Labor costs shall not be more than the hourly wage of the [public body]'s lowest-paid employee capable of performing the labor in the particular instance, regardless of whether that person is available or actually performs the labor. Labor costs will be estimated and charged in 15-minute time increments. All partial time increments will be rounded down. No overtime will be charged unless the person making the request provides written approval. If the number of minutes is less than 15, there will be no charge. If the [public body] charges to cover or partially cover the cost of fringe benefits, it will use a cannot exceed 50]-percent multiplier to account for those benefits.⁴

1. LABOR COST TO LOCATE⁵		
Hourly Wage Charged = \$	It is estimated to take [] minutes to perform this task.	Subtotal Cost = \$
OT Wages (as Stipulated by the Requestor) = \$		
Total Hourly Charge = \$	Time is charged in increments	
or		
Hourly Wage with Fringe Benefit Cost = \$		
Total Hourly and Fringe Benefit Charge = \$		

³ The Academy may require a one-hundred percent (100%) deposit from a requestor who has not previously paid a fulfilled FOIA request, provided the requirements in Section 5 of the Act are met.

⁴ Please note, 100% of fringe benefit costs will be added to the applicable labor charge if a requestor is notified in writing that public records are available on the Academy's website or webpage and the requestor continues to request that the Academy provide a copy, in any format, of the available public record.

⁵ This is the cost of labor directly associated with the necessary searching for, locating, and examining public records

2. LABOR COST TO COPY⁶		
Hourly Wage Charged = \$	It is estimated to take [] minutes	Subtotal Cost = \$
OT Wages (as Stipulated by the Requestor) = \$		
Total Hourly Charge = \$	to perform this task.	
	Time is charged in increments	
or		
Hourly Wage with Fringe Benefit Cost = \$		
Total Hourly and Fringe Benefit Charge = \$		

3. EMPLOYEE LABOR COST TO SEPARATE EXEMPT FROM NON-EXEMPT MATERIAL⁷		
Hourly Wage Charged = \$	It is estimated to take [] minutes	Subtotal Cost = \$
Total Hourly Charge = \$		
or	to perform this task.	
Hourly Wage with Fringe Benefit Cost = \$	Time is charged in increments	
Total Hourly and Fringe Benefit Charge = \$		

4. CONTRACTED LABOR COST TO SEPARATE EXEMPT FROM NON-EXEMPT MATERIAL⁸		
Name of contracted person or firm =	It is estimated to take [] minutes	Subtotal Cost⁹ = \$
Hourly Wage Charge = \$		
or	to perform this task.	
Hourly Wage with Fringe Benefit Cost = \$	Time is charged in increments	

in conjunction with receiving and fulfilling a granted written request.

⁶ This is the cost of labor directly associated with duplication of publication, including making paper copies, making digital copies or transferring digital public records to be given to the requestor on non-paper physical media or through the Internet or other electronic means as stipulated by the requestor.

⁷ This is the cost of labor of an in-house, K12 employee, assigned to work at the Academy including necessary review, directly associated with separating and deleting exempt from nonexempt information.

⁸ As the Academy does not employ a person in-house who is capable of separating exempt from non-exempt information in this particular instance, as determined by the FOIA Coordinator, this is the cost of labor of a contractor (i.e., outside attorney), including necessary review, directly associated with separating and deleting exempt information from nonexempt information. The Academy will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.

⁹ This amount shall not exceed six (6) times the State minimum hourly wage rate.

5. COPYING (DUPLICATION OR PRINTING) COST¹⁰		
Letter (8 1/2 x 11-inch, single- or double-sided):	Number of sheets =	Cost = \$
cents per sheet		
Legal (8 1/2 x 14-inch, single- or double-sided):	Number of sheets =	Cost = \$
cents per sheet		
Other paper sizes (single- or double-sided):	Number of sheets =	Cost = \$
cents per sheet		
Actual and most reasonably economical cost of non- paper physical digital media (or being provided to the requestor in such format as stipulated) = \$	Number of items =	Cost = \$
<i>Circle applicable:</i> Disc / Tape / Drive / Other Digital Medium Cost per Item:		
Subtotal Cost =		

6. MAILING COST¹¹		
	Number of envelop(s), package(s), stamp(s), etc.	
Cost of Envelop or Package \$		Cost =
Postage = \$ per stamp.		Cost = \$
Postage = \$ per pound.		Cost =
Postage = \$ per package.		Cost =
Postal Delivery Confirmation = \$		Cost = \$
Expedited Shipping or Insurance, if Requested = \$		Cost = \$
Subtotal Cost =		

¹⁰ Copying costs may be charged if a copy of a public record is requested, or for the necessary copying of a record for inspection (i.e., to redact exempt information, to protect old or delicate original public records, or because the original public record is a digital file or database not available for public inspection). No more than the actual cost of a sheet of paper will be charged, up to maximum 10 cents per sheet. Whenever feasible double-sided printing will be utilized.

¹¹ The Academy will charge the actual cost of mailing, if any, for sending records in a reasonably economical and justifiable manner. The Academy will not charge more for expedited shipping or insurance unless specifically requested by the requestor. The Academy may charge for the least expensive form of postal delivery confirmation

Affidavit of Indigency Submitted? <u>Y / N</u> ¹² Qualified Non-Profit Organization per Section 4(2)(f)(2)(b) of the FOIA? <u>Y / N</u>	If Yes, subtract \$20.00	(\$ _____)
TOTAL ESTIMATED FEE = \$		
If the estimated cost exceeds \$50.00, a good faith deposit of 50% is required before the request will be processed.	50% Deposit = \$ _____	Date Paid = ____ / ____ / ____
The request will be processed, but the balance of the cost must be paid before copies may be picked up, delivered, or mailed.	Balance Due = \$ _____	Date Paid = ____ / ____ / ____

References: MCL §15.231 et. seq.

Section 3. Community Input.

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

Section 4. Complaints.

The ESP/EMO Head of School shall issue administrative guidelines identifying procedures for investigating and responding to complaints by members of the public against the Academy, Academy Board or ESP/EMO employees and staff members or third-party staff members, contractors or vendors. A complaint concerning the ESP/EMO may be made to the Academy Board President.

Section 5. Gifts, Grants, Bequests and Donations.

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

¹² Persons establishing indigence (i.e. affidavit that the individual is receiving specific public assistance, or if not stating facts showing an inability to pay) and nonprofit organizations formally designated by the State of Michigan to carry out activities under Developmental Disabilities Assistance and Bill of Rights Act, Public Law 106-402 or the Protection and Advocacy for Individuals with Mental Illness Act, Public Law 99-139, are entitled to a discount. If a requestor is ineligible for the discount, the Academy shall inform the requestor specifically of the reason for ineligibility in its written response.

Section 6. Use of Academy Facilities.

The Academy Board may permit the reasonable use of its buildings and grounds by responsible community groups, provided that such use does not interfere with the daily school routine or any Academy-sponsored activity, or unduly jeopardize the condition of Academy facilities. Rental or use of Academy facilities may take place only if approved in advance by the ESP/EMO Head of School or designee. The ESP/EMO Head of School, in consultation with the Academy Board, shall issue administrative guidelines governing the use or rental of Academy facilities. A written use and rental agreement shall be prepared by the ESP/EMO Head of School or designee and approved by the Academy Board.

Section 7. School Visitors.

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

Section 8. Academy Support Organizations.

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

Section 9. Advertising; Distribution or Posting of Information.

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

Section 10. Volunteers.

The Academy Board recognizes and appreciates the value of volunteers. The ESP/EMO Head of School or designee such as building administrators, are responsible for recruiting volunteers, reviewing their capabilities, and placing volunteers. Any volunteer who will work with or have access to students on a regular basis shall be pre-screened using the Internet Criminal History Access Tool (ICHAT) or similar database. The ESP/EMO Head of School or administrator shall not be required to accept a volunteer whose history or skills are not in accord with Academy

standards and needs. The ESP/EMO Head of School shall issue and enforce guidelines governing the use of volunteers.

Section 11. High School Diplomas to Qualified Military Veterans.

The Academy Board honors the service provided to our country by veterans of World War II, the Korean Conflict and the Vietnam Era. The Academy Board is honored to issue high school diplomas to veterans who began their service without completing high school, and who comply with the provisions of MCL §35.341. The Head of School is authorized to accept applications and documentation from veterans identified above and shall make recommendations to the Academy Board whether the veteran should be awarded their diploma.