

Education Achievement Authority of Michigan

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Standard Operations & Procedures Guide

The Education Achievement Authority of Michigan

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OPINION OF COUNSEL

Committee of the
Education Achievement Authority of Michigan
3044 West Grand Blvd., #14-550
Detroit, Michigan 48202-3037

**RE: Adoption of the Education Achievement Authority of Michigan's
Standard Operations and Procedures Manual**

Dear Honorable Committee:

We have acted as counsel to the Education Achievement Authority of Michigan ("EAA") with respect to the creation of the Standard Operations and Procedures Manual ("Manual") and various related legal issues. In this capacity we have reviewed the Manual in its entirety, the By-Laws, Resolutions and such other records and documents of the EAA available at this time that we have deemed necessary or appropriate in order to enable us to render an informed Opinion as to the matters set forth in this letter. Based upon the foregoing examination it is our opinion that:

- 1) The Executive Committee of the EAA is a public entity duly organized, existing and operating under the Constitution and laws of the State of Michigan; and
- 2) The Executive Committee is authorized and has power under the applicable law and the established Interlocal Agreement to carry out the obligations of the EAA there under to provide public educational services; and
- 3) The policies and procedures contained within the Manual have been created to provide guidelines for the practices and workplace procedures of the EAA and are in compliance with applicable law; and
- 4) That a resolution of the Executive Committee authorizing adoption of the Manual should be approved in furtherance of the purposes of the EAA; and
- 5) That the policies and procedures set forth in the Manual may require amending from time to time as the need of the EAA arises or changes in the applicable law.

This Opinion is given as of the date hereof. We assume no obligation to update or supplement this Opinion to reflect any facts or circumstances which may hereafter come to our attention or any changes in laws which may hereafter occur.

Further, the Opinion is not intended to be relied upon by any individual or entity other than the Committee and/or the EAA, or to be distributed or disclosed without the prior written consent of this firm, except as may be required by law.

Dated: March 13, 2012

By: _____
Michael J. Kozicki

Introduction

The Education Achievement Authority of Michigan was formally created August 11, 2011 through an inter-local agreement between the Board of Regents of Eastern Michigan University (the “University”) and the School District for the City of Detroit to address the Persistently Lowest Achieving (PLA) schools throughout the state. The following recitals are made regarding this inter-local agreement and serve as a foundation for the development of the Standard and Operating Procedures of the EAA of Michigan.

The People of the State of Michigan mandate the encouragement of schools and the means of education and require the maintenance of a system of free public elementary and secondary schools through Sections 1 and 2 of Article VIII of the State Constitution of 1963. The State of Michigan and its political subdivisions have been authorized by the People of the State of Michigan to enter into agreements for the performance, financing, and execution of governmental functions through Section 5 of Article III of the State Constitution of 1963.

The People of the State of Michigan, through Section 28 of Article VII of the State Constitution of 1963, have required the Michigan Legislature to authorize two or more counties, townships, cities, villages, or districts to, among other things: (1) enter into contracts, including with the State, for the joint administration of functions or powers; (2) share costs and responsibilities; (3) transfer functions or responsibilities; (4) cooperate; and (5) lend their credit in connection with any publicly owned undertaking.

The Michigan Legislature has implemented Section 5 of Article III of the State Constitution of 1963 and Section 28 of Article VII of the State Constitution of 1963 by enacting the Urban Cooperation Act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512 (“Act”). Under the Act, a public agency may jointly exercise with any other public agency any power, privilege, or authority that the agencies share in common and that each might exercise separately. An agreement between one or more public agencies under the Act may provide for a separate legal or administrative entity, which must be a public body corporate or political, to administer or execute the agreement.

The University and the District are both a “public agency” as that term is defined under the Act. The University and the District both possess the power, privilege, and authority under State law to perform various public educational services related to the establishment, control, and operation of public elementary and secondary schools. Each seeks to cooperate with the other to further coordinate, enhance, and improve the delivery of public educational services by entering into this inter-local agreement.

The Governor of the State of Michigan has recently delivered a special message to the Michigan Legislature under Section 17 of Article V of the State Constitution of 1963 indicating that one of Michigan’s most pressing responsibilities is ensuring that students are prepared to enter the work force and to take advantage of new opportunities as our economy grows. Because schools must position children to compete globally in a knowledge-based economy, Michigan’s public education system must be reshaped so that students learn at high levels, think and act at high levels, demonstrate high performance, meet the highest expectations, and are fully prepared to enter the work force or attend college.

Because innovation, flexibility, transparency, and intergovernmental cooperation in the delivery of public educational services can maximize the encouragement of schools and the means of education, it is the intent of the University and the District, at the request of the Governor, to utilize existing constitutional and statutory law to establish a mechanism for providing improved public educational services more efficiently and effectively and in a transparent manner. The University and the District intend to achieve their goal by creating a separate legal entity named the Education Achievement Authority (“Authority” and/or “EAA of Michigan”). Under this inter-local agreement, the University and the District agree that the Authority will administer or execute the joint powers, duties, functions, responsibilities, and authority possessed by the District and the University as necessary to provide innovative, flexible, transparent, safe, efficient, and effective public educational services.

Understanding the Standard Operating Procedures (SOP) Manual

Procedures are principles adopted by the Education Achievement Authority of Michigan and are derived from the intent of the creation of the Authority by the Eastern Michigan University and the Detroit Public Schools to chart a course of action to further coordinate, enhance and improve the public educational services provided by EAA of Michigan member schools. These procedures tell WHAT is wanted and may include WHY and HOW MUCH. The procedures are broad enough to indicate a line of action to be taken by the administration in meeting a number of day to day challenges. They should be narrow enough to give the administration clear guidance as an instrument for the effective and efficient operations of the EAA of Michigan's system of schools. (McAdams, 2006).

This Standard Operations & Procedures (SOP) Manual contains seven sections that are outlined as follows:

- 1000 – ARTICLES RELATED to the CREATION, GOVERNANCE AND ORGANIZATION of the EDUCATION ACHIEVEMENT AUTHORITY of MICHIGAN
- 2000 – FISCAL MANAGEMENT
- 3000 – OPERATIONS MANAGEMENT
- 4000 – HUMAN RESOURCES
- 5000 – TEACHING AND LEARNING
- 6000 – STUDENT SUPPORT SERVICES
- 7000 – PUBLIC RELATIONS, MARKETING AND COMMUNITY ENGAGEMENT

These headings are located in the left margin of each page in the manual and should be used as reference for the respective categories. This classification system conforms to industry standards of information storage and retrieval and sound principles of school governance.

State Law and Negotiated Contracts

These Standard Operations and Procedures (hereafter referred to as Procedures) are designed to contain little or no statutory language or negotiated contract language. Often, however, a Procedure will be followed by a “legal reference” (LEGAL REF.) under the “Approved” line. Michigan compiled laws (MCL) will appear in a blue, hyperlink, color. To view the actual law, the user need only click the hyperlink and will be taken immediately to the Michigan Legislation page to access the actual law. This is not true of federal laws or Opinions of the Attorney General (OAG.) To find the actual text of an opinion of the Michigan Attorney General, the user may visit the Attorney General web site at <http://www.michigan.gov/ag>, left click on AG Opinions, and follow the search directions.

SECTION 1000 –ARTICLES RELATED to THE CREATION, GOVERNANCE AND ORGANIZATION of the EDUCATION ACHIEVEMENT AUTHORITY of MICHIGAN

- Article 1 Definitions
- Article 2 Purpose
- Article 3 Creation of the Education Achievement Authority of Michigan
- Article 4 Authority of the Board, Executive Committee and Chancellor
- Article 5 Powers of the Education Achievement Authority
- Article 6 Manner and Methods for Exercise of Common Power
- Article 7 Books, Records and Finances
- Article 8 Term and Termination
- Article 9 Miscellaneous
- Article 10 Amendments

SECTION 2000 - FISCAL MANAGEMENT

- 2050 Budget Planning
- 2100 Annual Operating Budget
 - Priorities
 - Deadlines and Schedules
 - Encumbrances
 - Recommendations
 - Preliminary Adoption Procedures
 - Hearings and Reviews
- 2150 Budget Fund Balance
- 2170 Line Item Transfer Authority
- 2200 State and Federal Funding Proposals and Applications
- 2280 Borrowing and Debt Service
 - Short Term Loans
 - Sale of Bonds
 - Debt Service
- 2310 Reporting of Investment Risks
- 2340 Fees, Payments and Rentals
- 2400 Depository of Funds
- 2405 Electronic Transactions of Funds
 - Internal Accounting
- 2410 Safeguarding of Monies and Equipment
- 2420 Monies in School Buildings
- 2430 Bonded Employees – Employees and Board Treasurer
- 2490 Inventories – Fixed and Controlled Assets
 - Fixed Asset Accounting System
- 2500 Audits
- 2520 Fraud Prevention and Investigation
- 2550 Authorized Signatures
- 2570 Petty Cash Accounts

- 2580 Payroll Procedures and Schedules
- 2600 Reimbursement of Expenses
- 2605 Credit/Procurement Cards
 - Issuance
 - Documentation
 - Lost Credit/Procurement Cards
 - Return of Credit/Procurement Cards
 - Payment
 - Misuse and Unauthorized Use
- 2610 Purchasing Goods and Services
 - Purchasing From Education Achievement Authority of Michigan Employees
 - Purchases through the Education Achievement Authority of Michigan
 - Emergency Purchases
- 2620 Authority for Emergencies and/or Catastrophic Events
- 2650 Cooperative Purchasing
- 2660 Bids and Quotations
- 2690 Local Purchasing
- 2730 Vendor Relations
- 2750 Payment Procedures
- 2800 Fund Raising and Student Activity Fund
 - Soliciting Funds From and By Students
 - Student Groups
 - Door-to-Door Sales
 - Specifics
 - Adult Groups
- 2900 Surplus Books, Equipment and Supplies
- 2010 Budget Planning

SECTION 3000 - BUSINESS MANAGEMENT

- 3005 Employee Conflict of Interest - Purchases
- 3010 Buildings and Grounds Management
- 3015 Insurance Program Liability Insurance
 - Worker's Compensation
- 3040 Safety
 - Emergency Drills
 - Fire Prevention
 - Warning Systems
 - Safety Inspections
- 3050 Environmental Health and Safety - Employee Indemnification
 - Toxic Hazards and Asbestos
- 3080 Emergency Closings
- 3090 Traffic and Parking Controls
- 3100 Environment
- 3110 Security
- 3120 Thefts and Vandalism
- 3170 Records
- 3250 Printing and Duplicating Service – Copyright
 - Employee Produced Material

Copyright Compliance and Computer Software Copyright

3260 Fax Machines

3300 Student Transportation Management

3320 School Vehicles

Liability

Safety

Safety Inspection

End of Route Vehicle Inspection

Records

Licensing of Drivers

School Bus Safety Program

3350 Student Transportation in Private Vehicles

Field Trips

Student Self-Transportation

3450 Food Service Management

3460 Food Allergies

Dealing with Food Allergic Students

3470 Bidding the Food Service Program

[SN: For policies of a general nature on the generation and control of statistical and other information as desired by the Education Achievement Authority of Michigan and/or required by state and federal regulations. See also "Records" and "Report," in Index.]

New Programs

Upgrades

Data Management

Education and Instruction

3480 Public School Academies

3500 Technology

3510 Computer Network

Privacy

System Integrity

Network Use

Education Achievement Authority of Michigan Web Page(s)

Limiting Access

Use of Computers in an Education Achievement Authority of Michigan Library

[SN: Includes new construction as well as related activities such as acquiring sites, plant remodeling or modernizing and leasing or renting property to meet expansion needs.]

3520 Filtering Software

3610 Facilities Development Goals

3650 Planning - Long-Range Retirement of Facilities

3760 Responsible/Qualified Contractor Policy Suspension or Revocation

3770 Selection of an Architect/Engineer/Construction Manager

3800 Educational Specifications

[SN: Detailed, precise, expert presentation of a plan or proposals for educational facilities including equipment, classrooms, laboratories, curriculum, etc.]

3900 Fair Employment Clause

3910 Affidavits and Guarantees

3950 Inspection of New or Remodeled Facilities

SECTION 4000 – HUMAN RESOURCE SERVICES

- 4010 Mission of EAA of Michigan
- 4015 Equal Employment Opportunity
- 4020 Staff Appearance
- 4025 Staff Conduct
- 4035 Discriminatory Harassment of Employees or Applicants Notification
- 4040 Retaliation and Whistle-Blowing
- 4140 Policies and Rules Development Involvement
- 4160 Qualifications and Duties
- 4170 Recruitment
 - Identity and Employment Status
 - Non-Discrimination
 - Title I Compliance
- 4175 Criminal History and Background Checks
- 4180 Recruiting Privacy Records
- 4185 Release of Information
- 4190 Social Security Number Confidentiality
- 4195 Professional Development
 - Federal Compliance
 - Staff Appearance
- 4200 Evaluation of Certified, Professional Staff
- 4205 Teacher Placement
- 4210 Possessing, Transporting or Transmitting Dangerous Weapons
- 4215 Staff Complaints
- 4220 Staff-Student Relations
 - Threats to Students
- 4230 Conflict of Interest
- 4240 Nepotism
- 4245 Political Activities
- 4335 Health Records - HIPAA
- 4340 Staff Health and Safety
- 4345 Staff Smoking and Tobacco Products
- 4350 Alcohol and Drug-Free Workplace
- 4355 Procedures for Vacation, Paid Time Off and Emergency Closing
- 4365 Human Resources Payroll Procedures
- 4370 Employee Leave Procedures
- 4410 Professional Staff Contracts
- 4430 Hiring
- 4540 Suspension and/or Dismissal of Professional Staff
- 4560 Resignation of Professional Staff
- 4645 Consulting
- 4710 Compensation Guides and Contracts – Non-Certified Staff
 - Definition
 - Pay Rates
- 4715 Fair Labor Standards Act Compliance
- 4730 Multiracial Understanding
- 4860 Reduction of Non--Certified Staff
- 4870 Staff Reductions/Recalls

- 4935 Communicable Disease- Staff and Students
- 4950 Public Gifts and Bequests
- 4970 Student Teaching and Internships 4010 Goals and Objectives

SECTION 5000 – TEACHING AND LEARNING

- 5050 Curriculum Development Technology
- 5060 Curriculum Frameworks
- 5110 Program of Study
- 5115 Technology
- 5120 Curriculum Resources and Materials
- 5140 Instructional Delivery
- 5150 Evaluation of Instructional Program
- 5160 Exceptional Education
- 5165 Field Trips
- 5170 Grading
- 5175 Assessment Programs
- 5180 Promotion and Retention
- 5190 Federal Program Administration
- 5225 Transfer of Credit
- 5340 Advanced College Placement
- 5360 Graduation Requirements
- 5365 Reinvention and Transformation of EAA of Michigan Schools
- 5370 Public School Academies
- 5375 Parent/Guardian Involvement Policy
- 5380 Schools of Choice
- 5460 Awards and Scholarships
- 5560 Homebound Instruction
- 5620 Foreign Exchange Students
- 5700 Accreditation

SECTION 6000 – STUDENT SUPPORT SERVICES

- 6010 Equal Educational Opportunity
- 6020 Student Appearance
- 6030 Student Records
- 6045 Attendance
- 6050 School Admissions/Registration/Enrollment
- 6060 Transfers and Withdrawals
- 6070 Homeless Children
- 6080 Re-admissions
- 6090 Release of a Student During the School Day
- 6095 Closed Campus
- 6100 Student Discipline
- 6110 Positive Behavior Support (PBS)
- 6120 Assaults Committed by Students

- Assaults Committed Against School Personnel
- Physical Assaults
- Threats of Assaults Committed by Students
- Physical Assaults Committed Against Other Students
- Reinstatement
- Application to Students with Disabilities
- Implementation
- 6150 Student Suspension and Expulsion
- 6160 Suspensions
- 6170 Harassment of Students
- 6230 Search and Seizure
- 6340 Interrogation and Investigation Conducted in Searches
- 6390 Dangerous and Facsimile Weapons
- 6425 Gangs
- 6455 Terroristic Threats and Acts
- 6470 Bullying
- 6510 Student Welfare
- 6525 Student Wellness Policy
- 6535 Communicable Diseases –Students and Staff
- 6540 Head Lice Policy
- 6550 Student Suicide Awareness and Prevention
- 6560 Child Abuse and Neglect-Duty to Report
- 6580 Alcohol and Drug Abuse
- 6590 Tobacco Products
- 6610 Student Insurance Program
- 6615 Student Health Services
- 6620 First Aid
- 6630 Automated External Defibrillators (AED’s)
- 6640 Administration of Medications by School Personnel
- 6710 Participation Fees for Interscholastic Athletics
- 6720 No Pass, No Participation Policy
- 6750 Addition and Deletion of Interscholastic Athletics
- 6770 Student Activities
- 6780 Closed Forum
- 6820 Non-School-Sponsored Student Clubs and Organizations
 - Meetings and Membership
 - Student Equal Access
 - Federal Compliance
 - Student Social Events
- 6840 Student Photographs

7000 - COMMUNITY RELATIONS

- 7001 School Community Relations Goals and Objectives
- 7010 News Media Relations
 - News Releases
 - News Conferences and Interviews
- 7020 Information and Campaigns
 - Use of Students
- 7130 Relations with Parent(s)/Guardians(s)

- 7150 Solicitations
 - Solicitations in Schools
 - Solicitation of Students
 - Solicitation by Students
- 7190 Interviews with Students
- 7230 School Volunteers
 - General Principles
- 7250 Use of Education Achievement Authority of Michigan Facilities
 - Fees and Rental Charges
 - Lease Arrangements
- [SN: Use of Education Achievement Authority of Michigan Facilities for Prayer or Religious Purposes during the School Day Religious Accommodation in the Use of Education Achievement Authority of Michigan Facilities]
 - Gymnasium and Cafeteria
 - Buildings and Grounds Equipment
 - Federal Compliance Services
- 7290 Crowd Control at School Sponsored Activities
 - Definition of Disturbances or Disorders
- 7300 Tobacco Products On/In Education Achievement Authority of Michigan Premises
 - Outdoor Smoking Areas
 - Notification
- 7400 Visitors to the Schools
 - Public/Parent(s)/Guardian(s)/Visitors to the Schools
- 7450 Complaints
 - About Policies
 - About Curriculum
 - About Instructional Materials
 - About Facilities and Services
 - About Personnel
- 7470 Loitering - Unauthorized Persons
- 7500 Relations with Law Enforcement and Investigating Authorities
- 7620 Relations with Political Organizations
- 7670 Relations with Federal Governmental Authorities
- 7790 Parent(s)/Guardian(s) and School Partnerships
 - Relationship with Booster Organizations
- 7900 Education Research Agencies
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SECTION 1000 – ARTICLES RELATED to the CREATION, GOVERNANCE AND ORGANIZATION of the EDUCATION ACHIEVEMENT AUTHORITY of MICHIGAN

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Article 8 Term and Termination
Article 9 Miscellaneous
Article 10 Amendments

ARTICLE I

DEFINITIONS

Section 1.01. Definitions. As used in this inter-local agreement:

- (a). “Act” means the Urban Cooperation Act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512.
- (b). “Agreement” means this inter-local agreement between Eastern Michigan University and the School District for the City of Detroit.
- (c). “Authority” means the Education Achievement Authority, a separate legal entity and public body corporate created under Article III.
- (d). “Authority Board” means the board of the Authority created under Article IV.
- (e). “Chancellor” means the chief executive officer of the Authority selected under Section 4.10.
- (f). “Effective Date” means the later of July 1, 2011 or the date on which all of the following are satisfied:
 - (i). The Agreement is approved and entered into by the Board of Regents of the University.
 - (ii). The Agreement is approved and entered into by the District.
 - (iii). The Agreement is approved by the Governor under Section 10 of the Act.
 - (iv). The Agreement is filed with the county clerk of Washtenaw County, Michigan.
 - (v). The Agreement is filed with the county clerk of Wayne County, Michigan.
 - (vi). The Agreement is filed with the Secretary of State of the State.
- (g). “Executive Committee” means the executive committee of the Authority created under Article IV.
- (h). “Fiscal Year” means the fiscal year of the Authority, which shall begin on July 1 of each calendar year and end on June 30 of the following calendar year.

- (i). “OMA” means the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275.
- (j). “District” means the School District for the City of Detroit, a public school district authorized to operate within the City of Detroit, County of Wayne, State of Michigan, under The Revised School Code, 1976 PA 451, MCL 380.1 to 380.1853.
- (k). “University” means the Board of Regents of Eastern Michigan University, a constitutional body corporate established under Article VIII of the State Constitution of 1963 and 1963 (2nd Ex Sess) PA 48, MCL 390.551 to 390.562. (l). “Party” means a party to this Agreement.
- (l). “Person” means an individual, authority, corporation, limited liability company, partnership, limited partnership, firm, organization, association, joint venture, trust, governmental entity, Public Agency, or other legal entity.
- (m). “Protected Person” means a board, official, officer, regent, board member, employee, contractor, or agent of the University or the District.
- (n). “Public Agency” means that term as defined under Section 2(e) of the Act.
- (o). “State” means the State of Michigan.
- (p). “Superintendent of Public Instruction” means the principal executive of the State Department of Education and staff advisor to the Governor appointed under Section 3 of Article VIII of the State Constitution of 1963. Section 1.02. Captions and Headings. The captions, headings, and titles in this Agreement are a convenience and not intended to have any substantive meaning or be interpreted as part of this Agreement.

Section 1.03. Plural Terms. A term or phrase in this Agreement importing the singular number only may extend to and embrace the plural number and every term or phrase importing the plural number may be applied and limited to the singular number.

ARTICLE II

PURPOSE

Section 2.01. Purpose. The purpose of this Agreement is to create and empower the Authority to implement the powers, privileges, and authority of each of the Parties consistent with this Agreement to provide innovative, flexible, transparent, safe, efficient, and effective public educational services throughout the State, including, but not limited to, all of the following objectives:

- (a). Design of quality public elementary and secondary education programs.

- (b). Improvement of public learning environments and student achievement for all students, including, but not limited to, educationally disadvantaged students.
- (c). Preparation of public school students to compete globally in a knowledge-based economy.
- (d). Developing a system of higher expectations for public schools, students, and educators.
- (e). Expansion of flexibility and adaptability for public student learning models and styles.
- (f). Stimulation of innovative public school teaching methods.
- (g). Creation of new professional opportunities for teachers within a public school structure and educational programs innovatively designed and managed by teachers directly engaged in the provision of educational services.
- (h). Providing parents and students with greater public educational choices both within and outside existing school districts, including, but not limited to, the ability to select globally-competitive public schools.
- (i). Facilitating the extension of technology and online learning.
- (j). Encouraging public and private commitment to the innovative, flexible, transparent, safe, efficient, and effective provision of public educational services throughout the State and fostering public-private partnerships.
- (k). Renovating, repurposing, and constructing public educational buildings or buildings used for public educational services.
- (l). Remodeling public educational buildings or buildings used for public educational services, including energy conservation, safety, and security improvements.
- (m). Acquiring, improving, and developing sites, including athletic and recreational facilities
- (n). Furnishing, refurbishing, equipping, and reequipping public educational facilities or facilities used for public educational purposes.
- (o). Acquiring, installing, and upgrading technology access and equipment in and connecting public educational facilities and facilities used for public educational services.
- (p). Providing for the safety and security of facilities, personnel, and students.

ARTICLE III

CREATION OF EDUCATION ACHIEVEMENT AUTHORITY

Section 3.01. Creation and Legal Status of Authority. The Education Achievement Authority is established as a separate legal entity for the purpose of administering and executing this Agreement. The Authority shall be a public body corporate and special authority having the powers granted under this Agreement, the Act, and other applicable law.

Section 3.02. Principal Office. The principal office of the Authority shall be at a location in the State determined by the Authority.

Section 3.03. Title to Authority Assets. All property owned by the Authority is owned by the Authority as a separate legal entity and public body corporate, and no Party has any ownership interest in Authority property.

Section 3.04. Tax-Exempt Status. The Parties intend the activities of the Authority to be tax-exempt as governmental functions carried out by an instrumentality or political subdivision of government under Section 115 of the Internal Revenue Code of 1986, 26 USC115, or any corresponding provisions of any future federal tax code. The Parties also intend the activities of the Authority to be governmental functions carried out by a political subdivision of the State, exempt to the extent provided under State law from taxation by this State, including, but not limited to, business tax under the Michigan Business Tax Act, 2007 PA 36, MCL208.1101 to 208.1601, income tax under the Income Tax Act of 1967, 1967 PA 281, MCL 206.1 to 206.713, and property tax under The General Property Tax Act, 1893 PA 206, MCL 211.1 to211.157, and any successor State tax laws.

Section 3.05. Compliance with Law. The Authority shall comply with all federal and State laws, rules, and regulations applicable to the Authority.

Section 3.06. Relationship of the Parties. The Parties agree that no Party shall be responsible for the acts of the Authority or of the employees, agents, and servants of any other Party, whether acting separately or in conjunction with the implementation of this Agreement. The Parties shall only be bound and obligated under this Agreement as expressly agreed to by each Party and no Party may otherwise obligate any other Party.

Section 3.07. No Third-Party Beneficiaries. Except as expressly provided in this Agreement, the Agreement does not create in any Person, and is not intended to create by implication or otherwise, any direct or indirect obligation, duty, promise, benefit, right to be indemnified (such as contractually, legally, equitably, or by implication), right to be subrogated to any Party's rights in this Agreement, or any other right.

Section 3.08. District Litigation Costs. In the event of a legal proceeding challenging the validity of this Agreement or action or activity under this Agreement where the District or a Protected Person of the District is named as a defendant, to the extent permitted by law, including, but not limited to, Section 28 of Article VII of the State Constitution of 1963 and Section 5 of the Act, and from funds lawfully available to the Authority, the cost of legal representation of the District or the Protected Person shall be the responsibility of the Authority, not the Parties. To the extent permitted by law, and from funds lawfully available to the Authority, the Authority shall defend, hold harmless, and reimburse the District or a Protected Person of the District from and against any and all costs, losses, claims, liabilities, actions, suits, proceedings, fines, expenses, payments, penalties, damages, and injuries, of whatever kind or nature, including attorneys' fees and settlement costs, arising out of, resulting from, caused by, or associated with, or alleged to have arisen out of, resulted from, been caused by, or associated with, in whole or in part, directly or indirectly, the execution or performance of this Agreement, or any acts or omissions of any Party or any Person taken in connection with this Agreement or its performance. The Parties intend that the District and Protected Persons of the District shall have no liabilities or costs of any nature in connection with this Agreement other than those specifically agreed to or assumed in writing by the District. To the extent permitted by law and from funds lawfully available to the Authority, if any suit, action, or proceeding is brought against the District or any Protected Person of the District, that suit, action, or proceeding shall be defended by counsel as each Party shall determine. If the defense is by counsel to the District, the Authority shall pay all reasonable and necessary costs of the defense, including reasonable counsel fees, to the extent permitted by law and from funds lawfully available to the Authority. If the District determines that the Authority shall defend the District or Protected Person of the District, the Authority shall immediately assume the defense at its own reasonable and necessary cost, to the extent permitted by law and from funds lawfully available to the Authority. Notwithstanding another provision of this section, if the Authority refuses to defend a Party or a Protected Person under this section, or a conflict under applicable law or rules prohibits the Authority from defending a Party or a Protected Person, the Party or Protected Person may retain counsel and the Authority shall be responsible for the reasonable and necessary costs and expenses of the Party or Protected Person, to the extent permitted by law and from funds lawfully available to the Authority.

Section 3.09. University Litigation Costs. In the event of a legal proceeding challenging the validity of this Agreement or action or activity under this Agreement where the University or a Protected Person of the University is named as a defendant, to the extent permitted by law, including, but not limited to, Section 28 of Article VII of the State Constitution of 1963 and Section 5 of the Act, and from funds lawfully available to the Authority, the cost of legal representation of the University or the Protected Person shall be the responsibility of the Authority, not the Parties. To the extent permitted by law, and from funds lawfully available to the Authority, the Authority shall defend, hold harmless, and reimburse the University or a Protected Person of the University from and against any and all costs, losses, claims, liabilities, actions, suits, proceedings, fines, expenses, payments, penalties, damages, and injuries, of whatever kind or nature, including attorneys' fees and settlement costs, arising out of, resulting from, caused by, or associated with, or alleged to have arisen out of, resulted from, been caused by, or associated with, in whole or in part,

directly or indirectly, the execution or performance of this Agreement, or any acts or omissions of any Party or any Person taken in connection with this Agreement or its performance.

The Parties intend that the University and Protected Persons of the University shall have no liabilities or costs of any nature in connection with this Agreement other than those specifically agreed to or assumed in writing by the University. To the extent permitted by law and from funds lawfully available to the Authority, if any suit, action, or proceeding is brought against the University or any Protected Person of the University, that suit, action, or proceeding shall be defended by counsel as each Party shall determine. If the defense is by counsel to the University, the Authority shall pay all reasonable and necessary costs of the defense, including reasonable counsel fees, to the extent permitted by law and from funds lawfully available to the Authority. If the University determines that the Authority shall defend the University or Protected Person of the University, the Authority shall immediately assume the defense at its own reasonable and necessary cost, to the extent permitted by law and from funds lawfully available to the Authority. Notwithstanding another provision of this section, if the Authority refuses to defend a Party or a Protected Person under this section, or a conflict under applicable law or rules prohibits the Authority from defending a Party or a Protected Person, the Party or Protected Person may retain counsel and the Authority shall be responsible for the reasonable and necessary costs and expenses of the Party or Protected Person, to the extent permitted by law and from funds lawfully available to the Authority.

Section 3.10. Legal Settlements. The Authority shall not be liable for any settlement of any proceeding made without its consent, and the Authority shall not unreasonably withhold consent.

Section 3.11. Action by Attorney General. Nothing in Section 3.08 or Section 3.09 shall be interpreted to restrict or inhibit the Attorney General of the State from exercising statutory authority or fulfilling a statutory obligation to represent a state officer or agency, defend a state law, or intervene in the legal proceeding, consistent with applicable law.

Section 3.12. Nonprofit Status. As a governmental instrumentality within this State, the Authority may not be operated for profit. No part of any earnings of the Authority may inure to the benefit of a Person other than the Parties. It is the intent of the Parties that the Authority maintain its nonprofit status.

ARTICLE IV

AUTHORITY BOARD, EXECUTIVE COMMITTEE, AND CHANCELLOR

Section 4.01. Authority Board Composition. The governing body of the District shall appoint 2 residents of the State as members of the Authority Board to serve at the will of the governing body. The governing body of the University shall appoint 2 residents of the State as members of the Authority Board to serve at the will of the governing body. The Governor of the State shall appoint 7 residents of the State as members of the Authority

Board to serve at the pleasure of the Governor. The Governor shall designate an Authority Board member to serve as Chairperson of the Authority Board at the pleasure of the Governor.

Section 4.02. Authority Board Power. The Authority Board shall authorize and approve the annual audit of the Authority, evaluate the performance of the Authority, and shall, if required by law, review acts of the Executive Committee.

Section 4.03. Authority Board Meetings. The Authority Board may hold an annual meeting and other special meetings at a time, date, and place determined by the Authority Board. Meetings of the Authority Board shall comply with the OMA. Public notice of the time, date and place of Authority Board meetings shall be given in the manner required by the OMA. Members of the Authority Board may participate in meetings by electronic means of communication to the fullest extent permitted by law.

Section 4.04. Authority Board Quorum and Voting. A majority of the members serving on the Authority Board shall constitute a quorum for the transaction of business. The Authority Board shall act by a majority vote of the members serving at the time of the vote. Members of the Authority Board shall not engage in proxy voting.

Section 4.05. Executive Committee. The Authority shall have an Executive Committee consisting of 5 members of the Authority Board appointed by the Governor of the State. The members of the Executive Committee appointed by the Governor shall include not less than one Authority Board member appointed under Section 4.01 by the District and not less than one Authority Board member appointed under Section 4.01 by the University. The Governor shall designate an Executive Committee member to serve as Chairperson of the Executive Committee at the pleasure of the Governor. After the initial terms of office, members of the Executive Committee shall be appointed for a term of 4 years. The initial terms of office of the members of the Executive Committee shall be designated by the Governor as follows:

- (a). One member appointed for a term of 4 years.
- (b). Two members appointed for a term of 3 years.
- (c). One member appointed for a term of 2 years.
- (d). One member appointed for a term of 1 year.

Section 4.06. Executive Committee Powers. Except as otherwise provided in this Agreement, the Executive Committee shall exercise the powers of the Authority. The Executive Committee shall appoint the Chancellor under Section 4.10. The Executive Committee may make inquiries, conduct studies or investigations, hold hearings, and receive comments from the public. The Executive Committee also may consult with outside experts in order to perform its duties including, but not limited to, experts in the

field of education, the private sector, government agencies, nonprofit entities, and experts at institutions of higher education.

Section 4.07. Executive Committee Meetings. The Executive Committee shall meet regularly at the time, date, and place as the Executive Committee determines, but not less than quarterly. Meetings of the Executive Committee shall comply with the OMA. Public notice of the time, date, and place of Executive Committee meetings shall be given in the manner required by the OMA. Members of the Executive Committee may participate in meetings by electronic means of communication to the fullest extent permitted by law. Meetings of the Executive Committee shall be transmitted live on an internet website accessible to the public. Documents distributed to Executive Committee members at a meeting shall be posted by the Authority on an internet website accessible to the public, unless prohibited by law.

Section 4.08. Executive Committee Quorum and Voting. A majority of the members of the Executive Committee shall constitute a quorum for the transaction of business. The Executive Committee shall act by a majority vote of its members serving at the time of the vote. Members of the Executive Committee may not engage in proxy voting.

Section 4.09. Ethics and Conflicts of Interest. The Authority Board shall adopt ethics policies governing the conduct of Authority Board members, the Executive Committee, and the officers and employees of the Authority. The policies shall be no less stringent than those provided for public officers and employees under 1973 PA 196, MCL 15.341 to 15.348. Members of the Authority Board, the Executive Committee, and the officers and employees of the Authority shall be deemed to be public servants under 1968 PA 317, MCL 15.321 to 15.330, and are subject to any other applicable laws with respect to conflicts of interest. The Executive Committee shall establish policies and procedures requiring disclosure of relationships that may give rise to conflicts of interest.

Section 4.10. Chancellor. The Executive Committee shall appoint a Chancellor to administer all programs, funds, personnel, facilities, contracts, and all other administrative and academic functions of the Authority, subject to oversight by the Executive Committee and in compliance with Section 4.11. The Chancellor shall receive compensation as determined by the Executive Committee. All terms and conditions of the Chancellor's employment, including length of service, shall be specified in a written contract between the Chancellor and the Executive Committee, provided that the Chancellor shall serve at the pleasure of the Executive Committee, and the Executive Committee may remove or discharge the Chancellor by a vote of not less than the majority of the members of the Executive Committee. The Chancellor shall report to the Executive Committee at meetings of the Executive Committee and to the Chairperson of the Executive Committee between meetings of the Executive Committee.

Section 4.11. Fiduciary Duty. The members of the Authority Board and the Executive Committee are under a fiduciary duty to conduct business in the best interests of the Authority, including the safekeeping and use of all Authority monies and assets for the benefit of the Authority. The members of the Authority Board and the Executive Committee

shall discharge their duties in good faith, with the care an ordinarily prudent individual in a like position would exercise under similar circumstances.

Section 4.12. Compensation. The members of the Authority Board and the Executive Committee shall receive no compensation for the performance of their duties. A member of the Authority Board or the Executive Committee may engage in private or public employment, or in any profession or business. Members of the Authority Board and the Executive Committee may be reimbursed by the Authority for actual and necessary expenses incurred in the discharge of their official duties.

Section 4.13. Oath of Office. Members of the Authority Board, the Executive Committee, and the Chancellor, prior to entering upon the duties of office, shall take and subscribe to the constitutional oath of office under Section 1 of Article XI of the State Constitution of 1963. The oath of office shall be filed with the Secretary of State.

ARTICLE V

POWERS OF THE AUTHORITY

Section 5.01. Common and Shared Powers. The enumeration of a power, privilege, or authority in this Agreement shall not be construed as limiting the powers, privileges, or authorities of the Authority. In carrying out its purposes, the Authority may perform, or perform with any Person, as applicable, any power, privilege, or authority that the Parties share in common and that each might exercise separately to the fullest extent permitted by the Act, including, but not limited to the provision of innovative, flexible, transparent, safe, efficient, and effective public educational services and all of the following:

- (a). Controlling and operating public elementary and secondary schools.
- (b). Using schools and school property as schools of observation and practice and furnishing of equipment, teachers, and administrators deemed necessary to provide the observation and facilities.
- (c). Operating an instructional program in grades K-5, 6-8, 9-12, or any combination of those grades.
- (d). Functioning as an authorizing body for a public school academy, a school of excellence, a strict discipline academy, or other public school as authorized under The Revised School Code, 1976 PA 451, MCL 380.1 to 380.1853.
- (e). Providing other educational services, including, but not limited to, educating students in grades K-12, operating preschool, lifelong education, adult education, community education, training, enrichment, and recreation programs.
- (f). Providing for the safety and welfare of students while at school or a school-sponsored activity or while en route to, or from, school or a school-sponsored activity.

- (g). Acquiring, constructing, maintaining, repairing, renovating, disposing of, or conveying school property, facilities, equipment, technology, or furnishings.
- (h). Hiring, contracting for, scheduling, supervising, or terminating employees, independent contractors, and others to carry out Authority privileges, powers, and authorities.
- (i). Receiving, accounting for, investing, or expending money; borrowing money and pledging money for repayment; and qualifying for state school aid and other public or private money from local, regional, State, or federal sources, including, but not limited to, money appropriated under The State School Aid Act of 1979, 1979 PA 94, MCL 388.1601 to 388.1896, or any successor State law.
- (j). Maintaining eligibility for all applicable State categorical and federal aid.
- (k). Making claims for federal or state aid payable to a Party on account of the execution of this Agreement, with the consent of the Party.
- (l). Operating a library, museum, or recreational facility.
- (m). Employing legal, accounting, financial and technical experts, other officers, agents, or employees, and accepting voluntary provision of such services and functions from donor individuals and entities.
- (n). Providing for the safety and security of facilities, personnel, and students.

Section 5.02. Powers Under the Act. In addition to other powers of the Authority, the Authority shall, consistent with Section 7 of the Act, have the power to do all of the following:

- (a). Make or enter into contracts.
- (b). Employ agencies or employees.
- (c). Acquire, construct, manage, maintain, or operate buildings, works, or improvements.
- (d). Acquire, hold, or dispose of property.
- (e). Incur debts, liabilities, or obligations that, except as expressly authorized by the Parties, do not constitute the debts, liabilities, or obligations of any of the Parties.
- (f). Cooperate with a Public Agency, an agency or instrumentality of the Public Agency, or another legal or administrative entity created by the Public Agency under the Act.
- (g). Make loans from the proceeds of gifts, grants, assistance funds, or bequests in order to further the purposes of the Authority.

- (h). Form other entities necessary to further the purposes of this Agreement.
- (i). Sue and be sued in the name of the Authority.

Section 5.03. Additional Powers Under the Act. The Authority also shall have the power, consistent with Section 5 of the Act, to do all of the following:

- (a). Fix and collect charges, rates, rents, fees, loan repayments, loan interest rates, or other charges on loans.
- (b). Promulgate necessary rules and provide for their enforcement by or with the assistance of the Parties to accomplish the purposes of this Agreement.
- (c). Determine the manner in which purchases shall be made and contracts entered into by the Authority.
- (d). Acquire, own, hold, operate, maintain, lease, or sell real or personal property.
- (e). Accept gifts, grants, assistance funds, or bequests and use the same for the purposes of this Agreement. The Authority may apply for and accept grants, assistance funds, loans, or contributions from any source. Gifts, grants, assistance funds, or bequests accepted by the Authority shall become the property of the Authority upon acceptance, except as otherwise agreed by the Authority and the grantor. The Authority may do anything within its power to secure the grants, loans, or other contributions, including, but not limited to, maintaining separate segregated funds for gifts, grants, assistance funds, or bequests.
- (f). Make claims for federal or state aid payable to a Party on account of the execution of this Agreement, with the written consent of the Party.
- (g). Determine the manner of responding for any liabilities that might be incurred through performance of the Agreement and insure against any such liability.
- (h). Adjudicate disputes or disagreements, the effects of failure of the Parties to pay their shares of the costs and expenses agreed to by the Parties, and the rights of the other Party in such cases.
- (i). Engage auditors to perform independent audits of the financial statements of the Authority.
- (j). Invest surplus funds or proceeds of grants, gifts, assistance funds, or bequests, consistent with an investment policy adopted by the Authority Board.

Section 5.04. Bonds or Notes: Limitation. The Authority may borrow money and issue bonds or notes in its name for purposes authorized by law. The Authority may not issue any type of bond in its own name, except as provided in this section, or in any way indebted a Party except as expressly authorized by the Party in writing. The Authority may not borrow money or issue bonds or notes for a sum that, together with the total outstanding

bonded indebtedness of the Authority, exceeds 2 mills of the taxable value of the taxable property within the Parties as determined under section 27a of The General Property Tax Act, 1893 PA 206, MCL 211.27a, unless otherwise authorized by the Act. Bonds or notes issued by the Authority are the debt of the Authority and not of the Parties. Bonds or notes issued by the Authority are for an essential public and governmental purpose. Pursuant to Section 7(7) of the Act, bonds or notes, together with the interest on the bonds or notes and income from the bonds or notes, are exempt from all taxes. Bonds or notes issued by the Authority are subject to the Revised Municipal Finance Act, 001 PA 34, MCL 141.2101 to 141.2821 as required by Section 7(8) of the Act.

Section 5.05. Transfer Contracts. The Authority shall be a special authority and a political subdivision for purposes of 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536. The Authority may enter into a contract providing for the transfer of functions or responsibilities to the Authority under 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536.

Section 5.06. Tax Limitation. The Authority shall not levy any type of tax within the boundaries of any Party. Nothing contained in this Agreement, however, prevents the District from levying taxes and assigning the revenue from the taxes to the Authority, as agreed by the Parties and to the extent provided by law.

Section 5.07. Limitation on Binding Parties. The Authority shall not have the power to bind a Party or to create debts, liabilities, or obligations of a Party, unless otherwise specifically agreed to by the Party.

Section 5.08. No Waiver of Governmental Immunity. The Parties agree that no provision of the Agreement is intended, nor shall it be construed, as a waiver by any Party of any governmental immunity provided under the Act or other law.

ARTICLE VI

MANNER AND METHOD FOR EXERCISE OF COMMON POWER

Section 6.01. District. The District and the Authority may enter into one or more agreements or execute documents necessary to detail assets, liabilities, employees, money, or revenue to be provided by the District to the Authority to support the exercise of common power under this Agreement by the Authority. The District may advance money to the Authority to pay for costs associated with implementation of this Agreement.

Section 6.02. University. The University and the Authority may enter into 1 or more agreements or execute documents necessary to detail assets, liabilities, employees, money, or revenue, if any, to be provided by the University to the Authority to support the exercise of common power under this Agreement by the Authority. While the University may, at its discretion, make a contribution to the Authority under this paragraph, the University is not required to make a contribution without the express authorization of the Board of Regents of the University. The Parties understand that the University will continue to operate as a state institution of higher education and may have contracts or agreements with the

Authority, the District, or other school districts and public schools in addition to its participation in this Agreement. The Parties agree that the University possesses significant resources, experience, and staff that may be of assistance to the Authority in carrying out its mission regarding the provision of public educational services. Accordingly, the University and the Chancellor may identify services or programs that the University will provide to or on behalf of the Authority. The costs or expenses of any services or programs provided by the University under this section shall be paid by the Authority or through other sources as agreed by the Authority and the University prior to the provision of the services or programs. Nothing in this section limits the power of the University to take any other action that the University is otherwise authorized to take. The services or programs provided by the University under this section may include, but are not limited to, all of the following:

- (a) Organizing and operating a laboratory or university school at the site of a school operated, controlled, or authorized by the District or the Authority.
- (b). Sponsoring, hosting, or participating in conferences, seminars, or other meetings concerning public education reform.
- (c). Assigning faculty or other staff of the University, on limited term appointments, to assist the Authority.
- (d). Providing technical assistance to public schools authorized or operated by the Authority.
- (e). Providing other educational services, including, but not limited to, lifelong education, adult education, community education, training, online courses, enrichment, and recreation programs for the Authority or public schools authorized or operated by the Authority.

Section 6.03. Cooperation. When exercising power, privileges, or authority under this Agreement, the Authority shall endeavor to actively consult and cooperate with all of the following:

- (a). Other public schools, including, but not limited to: (i) a public elementary or secondary educational entity or agency that is established under The Revised School Code, 1976 PA 451, MCL 380.1 to 380.1853, has as its primary mission the teaching and learning of academic and vocational-technical skills and knowledge, and is operated by a school district, local act school district, special act school district, intermediate school district, school of excellence, public school academy corporation, strict discipline academy corporation, urban high school academy corporation, or by the State Department of Education or the State Board of Education; or (ii) a laboratory school or other elementary or secondary school that is controlled and operated by an institution of higher education described in Sections 4, 5, or 6 of Article VIII of the State Constitution of 1963.
- (b). Institutions of higher education.

- (c). Nonprofit entities and foundations.
- (d). Parental groups and organizations.
- (e). Community groups and organizations.

Section 6.04. Assumption of Liabilities. Except as provided in Sections 3.08 and 3.09, the Authority does not assume any liabilities or commitments of the District or the University.

Section 6.05. Acts and Omissions. Except as provided in Sections 3.08 and 3.09, it is the intent of the Parties that liability for acts or omissions of a Party prior to the Effective Date shall remain with a Party and not be transferred, assigned, or assumed by the Authority. The Authority shall only be liable for its own acts or omissions that occur after the Effective Date and the Parties shall not be liable for any acts or omissions of the Authority.

ARTICLE VII

BOOKS, RECORDS, AND FINANCES

Section 7.01. Authority Records. The Authority shall keep and maintain at the principal office of the Authority all documents and records of the Authority. The records of the Authority, which shall be available to the Parties, shall include a copy of this Agreement, any amendments to the Agreement, and any agreements under Article VI. The records and documents shall be maintained until termination of this Agreement and shall be returned to any successor entity or, if none, to the Superintendent of Public Instruction.

Section 7.02. Financial Statements and Reports. The Authority shall prepare, or cause to be prepared, at its own expense, audited financial statements (balance sheet, statement of revenue and expense, statement of cash flows, and changes in fund balance) on an annual basis. The financial statements shall be prepared in accordance with generally accepted accounting principles and shall be accompanied by a written opinion of an independent certified public accounting firm. A copy of the annual financial statement and report shall be filed with the State Department of Treasury, made available to each of the Parties, and posted on a publicly accessible internet website.

Section. 7.03. Financial Transparency. The Authority shall develop, maintain, and make publicly available a single, searchable financial data internet website. The website shall contain only information that is a public record or that is not confidential or otherwise protected from public disclosure under State or federal law. The Authority shall, to the extent practicable, update the financial data contained on the website not less than monthly and provide the data in a structured format that may be downloaded. The website shall include a method by which a user of the website may provide feedback concerning the organization or utility of the website. The Authority shall archive the financial data, which shall remain accessible and searchable for not less than 5 years. The website shall allow the public to search financial data included on the website at no cost and shall aggregate all of the following information:

- (a). The amount and source of moneys received by the Authority.
- (b). The moneys expended by the Authority, including both of the following:
 - (i). The name and principal location or address of the Person receiving moneys; except that information concerning a payment to an employee of the Authority shall identify the individual employee by position and business address only.
 - (ii). The amount of expended moneys.
- (c). The funding source of the expended moneys.
- (d). The name of the budget program or activity receiving the moneys.
- (e). A description of the planned use of the moneys.

Section 7.04. Audits. The Executive Committee shall establish a dedicated audit committee of the Executive Committee for the purpose of overseeing the accounting and financial reporting processes of the Authority and audits of its financial statements. The Chairperson of the Executive Committee shall serve as a member of the dedicated audit committee. The Executive Committee shall establish specific duties and obligations of the audit committee and standards and qualifications for membership. The Executive Committee may require at least 1 member to be specifically knowledgeable about financial reports. Upon completion of the annual financial audit, the Executive Committee shall transmit the audit to the Authority Board for approval.

Section 7.05. Freedom of Information Act. The Authority shall be subject to and comply with the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246.

Section 7.06. Uniform Budgeting and Accounting Act. The Authority shall be subject to and comply with the Uniform Budgeting and Accounting Act, 1968 PA 2, MCL 141.421 to 141.440a. Unless otherwise designated by the Executive Committee, the Chancellor shall serve as the Chief Administrative Officer of the Authority. The Chancellor shall prepare all budgets and budget amendments and the Executive Committee shall approve all budgets and budget amendments for the Authority for each Fiscal Year.

Section 7.07. Budget and Performance Standards. Each Fiscal Year, the Chancellor shall prepare performance standards for review and approval by the Executive Committee. The Authority shall produce a citizen's guide to Authority finances and a performance dashboard. The citizen's guide to Authority finances and performance dashboard shall be made available for public viewing in the principal office of the Authority and posted on a publicly accessible internet website. The citizen's guide to Authority finances shall provide a detailed description of the Authority's finances, including recognition of any unfunded liabilities, along with any other information deemed relevant by the Executive Committee. The performance dashboard shall include measures related to student outcomes, academic

achievement, school accountability, culture of learning, value for money, and any other measures deemed relevant by the Executive Committee.

Section 7.08. Deposits and Investments. The Authority shall deposit and invest money of the Authority, not otherwise employed in carrying out the purposes of the Authority, in accordance with an investment policy established by the Executive Committee consistent with laws and regulations regarding investment of public funds.

Section 7.09. Disbursements. Disbursements of money by the Authority shall be in accordance with the annual budget adopted by the Executive Committee, consistent with any guidelines recommended by the Chancellor and approved by the Executive Committee, and also shall be in accordance with applicable law.

Section 7.10. Adoption of Rules and Procedures. Before promulgating a rule or adopting a procedure, policy, or statement of policy, the Authority shall provide advance notice in a manner intended to inform the public and afford the public an opportunity to comment on the proposed rule, procedure, policy, or statement of policy.

Section 7.11. Transparency. The powers, duties, rights, obligations, functions, and responsibilities of the Authority shall be administered by the Authority in a transparent and open manner that encourages public oversight, civic participation, and citizen engagement. The Authority shall adopt policies and procedures consistent with each of the following transparency principles:

- (a). On-line, on-time, and free public access shall be a priority for the conduct of Authority business, except when specifically prohibited by applicable law.
- (b). Dissemination of information regarding the activities and operations of the Authority should be (i) posted on-line promptly in a contemporaneous manner; (ii) complete and accurate, (iii) searchable and manipulable; and (iv) permanently preserved and accessible, except where specifically prohibited by applicable law.
- (c). Information pertaining to influence, potential corruption, and oversight should take special public priority over other types of information.
- (d). Public records pertaining to governmental oversight should be centrally available, including, but not limited to, reports from auditors or government-sponsored investigations, planning and strategic vision documents, budgets, performance data, and academic plans.
- (e). Use of the internet, social media, performance dashboards, and other digital communications technology should be integrated into the operations of the Authority and be a basic method used in pursuing the goals and objectives of the Authority.

ARTICLE VIII

TERM AND TERMINATION

Section 8.01. Term. This Agreement and the Authority shall commence on the Effective Date and continue for an initial term of 15 years. After the initial term, the Agreement is extended in 5-year increments unless not extended by joint action of all of the Parties.

Section 8.02. University Withdrawal. The University may withdraw from the Agreement prior to the expiration of the term of this Agreement if any of the following apply:

- (a). This Agreement is amended and another state public university is a Party to the Agreement.
- (b). After December 30, 2014, the University provides notice of its intent to withdraw on the first June 30th at least 180 days after the notice. A withdrawal under this paragraph is effective on the first June 30th at least 180 days after the notice.
- (c). If the reimbursement of the costs and expenses of the University related to its participation as a Party is prohibited by law, or after determining that, in the University's judgment, the University has not been reimbursed for costs and expenses as provided in this Agreement, and the University provides notice of withdrawal on the next June 30th at least 180 days after the notice. A withdrawal under this paragraph is effective on the first June 30th at least 180 days after the notice.

Section 8.03. District Withdrawal. The District may withdraw from the Agreement prior to the expiration of the term of the Agreement with the consent of the Executive Committee.

Section 8.04. Effect of Withdrawal. The withdrawal of the District or the University, shall neither terminate nor have any effect upon the provisions of the Agreement as long as this Agreement is amended to allow for the participation of another school district or state public university.

Section 8.05. Disposition upon Termination. As soon as possible after termination of this Agreement, the Authority shall wind up its affairs as follows:

- (a). All of the Authority's debts, liabilities, and obligations to its creditors and all expenses incurred in connection with the termination of the Authority and distribution of its assets shall be paid first.
- (b). Title to all property owned by the Authority then shall be distributed by the Executive Committee to the District and the University and vested in the District and the University.

ARTICLE IV
MISCELLANEOUS

Section 9.01. Due Execution of this Agreement. Each Party shall duly execute not less than 4 copies of this Agreement, each of which, taken together, is an original but all of which constitute 1 instrument.

Section 9.02. Emergency Manager. If an emergency manager is in place for the District, under the Local Government and School District Fiscal Accountability Act, 2011 PA 4, MCL141.1501 to 141.1531, the emergency manager may act for and in the place and stead of the governing body and chief administrative officer of the school district. Entry into this Agreement by a school district in which an emergency manager has been appointed under the Local Government and School District Fiscal Accountability Act, 2011 PA 4, MCL 141.1501 to 141.1531, constitutes the exercise of broad powers by the emergency manager to rectify a financial emergency and to assure the fiscal accountability of the school district's capacity to provide or cause to be provided necessary governmental services essential to the public health, safety, and welfare, including, but not limited to, the provision of educational services. Entry into this Agreement by a school district in receivership also constitutes the entry into an agreement with another local government, public body, or entity, for the provision of services, joint exercise of powers, or the administration of functions and responsibilities. Nothing in this Agreement shall be construed to diminish or restrict the authority of an emergency manager under the Local Government and School District Fiscal Accountability Act, 2011 PA 4, MCL 141.1501 to 141.1531.

Section 9.03. Public School Functions. The powers, duties, rights, obligations, functions, and responsibilities of the Authority under this Agreement are intended to encourage the means of education and be governmental and public school functions within the system of free public elementary and secondary schools maintained and supported by the State Legislature. A school operated by the Authority is a public school under, and shall comply with, Section 2 of Article VIII of the State Constitution of 1963.

Section 9.04. Non-Discrimination. The Authority shall provide for the education of pupils without discrimination as to religion, creed, race, color, sex, or national origin as mandated by Section 2 of Article VIII of the State Constitution of 1963. The Authority also shall comply with the Elliott-Larsen Civil Rights Act, 1976 PA 453, MCL 37.2101 to 37.2804, the Persons with Disabilities Civil Rights Act, 1976 PA 220, MCL 37.1101 to 37.1607, Title IX of the Education Amendments of 1972, and other applicable civil rights laws.

Section 9.05. Public Purpose and Governmental Function. As both the District and the University are bodies corporate and governmental agencies, the powers, duties, rights, obligations, functions, and responsibilities of the Authority constitute essential public purposes and governmental functions.

Section 9.06. State Board of Education. Nothing in this Agreement shall be construed to diminish or restrict the constitutional authority of the State Board of Education under Section 3 of Article VIII of the State Constitution of 1963.

Section 9.07. Institution of Higher Education. Nothing in this Agreement shall be construed to diminish or restrict the constitutional authority of the University under Sections 4 and 6 of Article VIII of the State Constitution of 1963 or alter the constitutional authority of the governing body of the University to have general supervision of the University and the control and direction of all expenditures from the University funds.

Section 9.08. Non-impairment. Nothing in this Agreement authorizes the impairment of a bond, note, security, or uncontested legal obligation of the District or the University.

Section 9.09. Legislative Oversight. Nothing in this Agreement shall be construed to diminish or restrict the constitutional authority of the State Legislature to maintain and support a system of free public elementary and secondary schools as defined by law under Section 2 of Article VIII of the State Constitution of 1963 or to exercise the legislative power of the State vested in the State Senate and the State House of Representatives under Section 1 of Article IV of the State Constitution of 1963. The Authority is subject to oversight hearings regarding the activities of the Authority conducted by a duly constituted and authorized legislative committee and, if requested, an officer of the Authority shall attend the oversight hearing and provide live testimony at the oversight hearing without a subpoena.

Section 9.10. Notices. Any and all correspondence or notices required, permitted, or provided for under this Agreement to be delivered to any Party shall be sent to that Party by first class mail. All such written notices shall be sent to each other Party's signatory to this Agreement. All correspondence shall be considered delivered to a Party as of the date that the notice is deposited with sufficient postage with the United States Postal Service. A notice of withdrawal shall be sent via certified mail to the address included with each Party's signature to this Agreement.

Section 9.11. Entire Agreement. This Agreement sets forth the entire agreement between the Parties and supersedes any and all prior agreements or understandings between them in any way related to the subject matter of this Agreement. It is further understood and agreed that the terms and conditions of this Agreement are contractual and are not a mere recital and that there are no other agreements, understandings, contracts, or representations between the Parties in any way related to the subject matter of this Agreement, except as expressly stated in this Agreement.

Section 9.12. Severability of Provisions. If any provision of this Agreement, or its application to any Person, Party, or circumstance, is invalid or unenforceable, the remainder of this Agreement and the application of that provision to other Persons or circumstances and to the remaining Parties is not affected but will be enforced to the extent permitted by law, it being the intent of the remaining Parties to continue to agree to the substantive provisions of this Agreement and to implement the Agreement.

Section 9.13. Governing Law. This Agreement is made and entered into in this State and shall in all respects be interpreted, enforced, and governed under State law without regard to the doctrines of conflict of laws. The language of all parts of this Agreement shall in all cases be construed as a whole according to its fair meaning and not construed strictly for or against any Party.

Section 9.14. Jurisdiction and Venue. In the event of any disputes between the Parties over the meaning, interpretation, or implementation of the terms, covenants, or conditions of this Agreement, the matter under dispute, unless resolved between the Parties, shall be submitted to the courts of the State.

Section 9.15. Amendment. This Agreement may be amended or an alternative form of this Agreement adopted only upon written agreement of all Parties. Any agreement or contract among the Parties that is inconsistent with this Agreement shall be adopted as an amendment to the Agreement and be approved as provided in the Act by the governing bodies of the Parties and by the Governor prior to becoming effective. Any amendment to allow the participation in the Authority by another Public Agency as a Party will be completed in a manner consistent with the Act.

SECTION 2000 - FISCAL MANAGEMENT

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 - Soliciting Funds From and By Students
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- 2900 Surplus Books, Equipment and Supplies

2050 Budget Planning

The Chancellor shall be responsible for planning the Education Achievement Authority’s budget. The Chancellor shall keep the Board informed during the planning process and secure input from the Board through discussions or workshops.

Approved: _____

LEGAL REF: MCL 141.434 (1); 141.422b (3)(c); 141.422d (1)(c)(d); 380.1133; 380.1218; 380.1281

2100 Annual Operating Budget

The Education Achievement Authority of Michigan’s budget shall be prepared by the Chancellor in cooperation with selected Education Achievement Authority employees and shall reflect the educational goals of the Education Achievement Authority of Michigan.

The Chancellor shall prepare a cost analysis of all programs that are funded by the Education Achievement Authority of Michigan's budget.

It shall be the goal of the Board to fund the operating budget according to approved fiscal and budgetary procedures adhered to and required by the State of Michigan. The budget shall be the vehicle by which the educational goals and objectives of the Education Achievement Authority of Michigan are to be met.

Priorities

The Board shall establish priorities for the Education Achievement Authority of Michigan on a short-term, intermediate and long-range basis.

Deadlines and Schedules

In order for the Education Achievement Authority of Michigan's budget preparation to proceed in an orderly fashion, the Board shall establish deadlines and time schedules.

Encumbrances

Encumbrances shall be made when the purchase is made or when an approved purchase order and/or Master Services Agreement is processed. All encumbrances shall be charged to a specific fund as determined by the Michigan Chart of Accounts for public schools.

Recommendations

Recommendations of the Chancellor and professional staff concerning the educational program of the Education Achievement Authority of Michigan and related budget figures shall be presented to the Board prior to submission of the tentative draft budget.

Preliminary Adoption Procedures

The Chancellor shall submit a preliminary budget for the Education Achievement Authority of Michigan as the Board may require.

Hearings and Reviews

The Board shall conduct budget hearings according to state law.

Approved: _____

LEGAL REF: MCL 141.411; 141.421a-440a; 211.209-210; 380.1213-1214; 380.1216; 380.1218; 388.1702

2150 Budget Fund Balance

The EAA of Michigan realizes its responsibility under law to maintain a balanced, non-deficit, financial condition for the Education Achievement Authority of Michigan so that the EAA of Michigan does not find itself in financial jeopardy; deficit financing is strictly prohibited by law. A budget fund balance provides flexibility in dealing with unanticipated budget emergencies such as mid-year reductions in state funding. In addition, it will help to avoid borrowing during the two-month period between the August and October State Aid payments.

To this end, the Board will strive to maintain an un-appropriated fund balance in accordance with the recommendation of the Board's independent auditor as published in the annual audit report. Generally, this will mean a fund balance of approximately 5% minimum of the total annual operation expense of the Education Achievement Authority of Michigan's General Fund Budget, or a fund balance of a minimum of one month's operating expense for the EAA (whichever is greater) and/or as otherwise recommended by the auditor and approved by the Board.

The Chancellor is directed to bring only those budget recommendations to the Board that comply with all laws and the intent of this policy.

Approved: _____

LEGAL REF: MCL 141.1201; 141.1231 – 1244; 141.2101; 380.1211 – 1227

2170 Line Item Transfer Authority

The Chancellor is authorized to approve adjustments and/or transfers within line items of the Board adopted operating budget not to exceed 25% of a budgeted category without Board approval. Such adjustments and/or transfers shall be reported to the Board at the next regular meeting of the Board. Authorization for such adjustments and/or transfers shall be included annually in the general appropriations act.

Approved: _____

LEGAL REF: MCL 141.421a-440a

2200 State and Federal Funding Proposals and Applications

The Board shall seek and consider as many sources of revenue as possible to supplement the funds received from local taxes (if applicable) and state aid. The Chancellor shall assume the responsibility for keeping the Board informed of any revenue sources that could enhance the educational program or operation of the Education Achievement Authority of Michigan and for which the EAA of Michigan may be eligible and make recommendations to the Board for action.

Approved: _____

LEGAL REF: MCL 3.541; 3.542; 388.801; 380.1210

2280 Borrowing and Debt Service

Short Term Loans

Bids shall be solicited for all short-term loans that the Board has authorized, and funds shall be borrowed from the responsible organization offering the most favorable bid. All loans shall conform to the requirements of the State of Michigan.

Debt Service

It shall be the responsibility of the Chancellor to maintain all records as to the outstanding bonds and debts encumbered against the Education Achievement Authority of Michigan. He/She shall keep this information readily available and report annually to the Board on the condition of these accounts.

Approved: _____

LEGAL REF: MCL 380.1356

2310 Reporting of Investment Risks

Although Procedure 2300 serves to reduce the risks associated with the investment of Education Achievement Authority of Michigan revenue, the Education Achievement Authority of Michigan may have deposits and investments that are subject to low levels of risk.

Statement No. 40 of the Governmental Accounting Standards Board (GASB) requires that certain deposits and investments of a local government that have the potential to result in losses be disclosed in Education Achievement Authority of Michigan financial statements. The administration, in consultation with the Education Achievement Authority of Michigan auditor or accounting firm as necessary, shall insure that the Education Achievement Authority of Michigan financial statements comply with GASB Statement No. 40.5

The Chancellor may establish appropriate administrative rules to implement this Procedure.

Approved: _____

LEGAL REF: Governmental Accounting Standards Board, Statement No. 40.

2340 Fees, Payments and Rentals

Proceeds from fees for building or equipment use or rental shall be credited to a fund specified by the Chancellor.

Rental and Leasing of Education Achievement Authority of Michigan Property

The Chancellor may authorize the rental or lease of Education Achievement Authority of Michigan property not used for instructional purposes.

Gate Receipts and Admissions

Gate receipts and admissions for special or extra-curricular activities, like most school functions, will be the responsibility of the local school. All schools shall adhere to standard accounting practices and principles (Generally Acceptable Accounting Principles) as required by state and federal laws.

Non-Sufficient Fund Checks

In the event the Education Achievement Authority of Michigan should receive a check for any purpose that is returned due to non-sufficient funds (NSF) the Education Achievement Authority of Michigan will assess a charge of \$50.00 to the issuer of the check to cover the administrative and clerical costs of dealing with the matter. If the issuer fails to “make good” for the amount of the original check within 10 days of the date of the check being returned for NSF, the Education Achievement Authority of Michigan reserves the right to file criminal charges and to refuse checks in the future from the issuer.

Approved: _____

LEGAL REF: MCL 380.11a; 380.1141

2400 Depository of Funds

At the annual organizational meeting, the Board shall, in accordance with state law, designate, by resolution, the financial institutions in which the funds of the EAA of Michigan shall be deposited and the proportion of funds to be deposited in each. The Chancellor shall deposit or cause to be deposited, funds of the EAA of Michigan in the institutions as authorized by the Board.

Approved: _____

LEGAL REF: MCL 21.143; 129.12; 129.15; 380.1221-1222

2405 Electronic Transaction of Funds

The EAA of Michigan, through resolution of the Board, shall be a party to an Automated Clearing House (ACH) arrangement. The Chancellor shall be responsible for the EAA of Michigan’s ACH agreements, including payment approval, accounting, reporting, and generally for overseeing compliance with the ACH policy.

Internal Accounting

The Chancellor shall be responsible for development and maintenance of appropriate accounting controls to monitor the use of ACH transactions made by the Education Achievement Authority of Michigan.

Approved: _____

LEGAL REF: MCL 124.301-124.305

2410 Safeguarding of Monies and Equipment

The Chancellor shall be responsible to see that administrative regulations are established and carried out so that all monies and equipment within all of the Education Achievement Authority of Michigan's facilities are secured, safeguarded and properly inventoried.

Approved: _____

2420 Monies in School Buildings

All schools shall adhere to GAAP (Generally Acceptable Accounting Principles) as required by state and federal laws. The principals of all EAA Michigan member schools are responsible and shall be held directly accountable for the collection, expenditure and accounting of all local school revenue. The Education Achievement Authority of Michigan will not be responsible for monies remaining in school buildings.

Approved: _____

2430 Bonded Employees – Employees and Board Treasurer

The EAA Board shall purchase a blanket or surety bond for school employees. The EAA Board shall prescribe the amount of the bond.

Approved: _____

2490 Inventories – Fixed and Controlled Assets

An accounting will be made annually for property, real and personal, owned by the Education Achievement Authority of Michigan in accordance with law, governmental regulations and EAA of Michigan established Procedures.

Fixed Asset Accounting System

The administration shall maintain a fixed asset accounting system in accordance with law, governmental regulations and EAA of Michigan established Procedures. The Chancellor or his

designee shall be responsible for developing fixed assets accounting procedures and shall make them available to members of the EAA Board and EAA of Michigan member schools.

Approved: _____

LEGAL REF: Governmental Accounting Standards Board, Statement No. 34

2500 Audits

The accounting records, including internal accounts, of the Education Achievement Authority of Michigan shall be audited annually by an independent certified public accountant in accordance with prescribed standards and legal requirements set forth by applicable state and federal laws.

The audit report shall be reviewed and approved annually by the Board at a public meeting. The management letter and recommendations of the auditor shall be brought to the attention of the Board, along with recommendations of the Chancellor as to the feasibility of implementing the recommendations and a detailed plan for resolving audit deficiencies. The Chancellor shall be responsible for filing the audit reports and plans with all appropriate authorities as prescribed by law or regulation.

The audit firm will also be required to perform an in-depth audit of all state and federal monies every three (3) years on a rotating basis or at the Board's discretion.

The auditing firms selected to conduct the annual audit shall be recommended by the Chancellor and approved by the Board at the organizational meeting. The auditing firm may be selected on a bid basis. All Education Achievement Authority of Michigan employees shall cooperate fully with the auditors. All EAA of Michigan member schools shall be required to have an annual fiscal audit, paid for at the school's expense, and be subject to the same requirements of the EAA of Michigan when or where member schools have been given full autonomy and flexibility for their day-to-day operations. The EAA of Michigan is responsible for providing a random audit of member schools not enjoying full autonomy and, as a result, are under the auspices of the EAA of Michigan as either Flex Schools or Transition Schools (Direct Run or Quasi-Direct Run).

Approved: _____

LEGAL REF: MCL 388.1618

2520 Fraud Prevention and Investigation

The Board expects all employees, Board members, consultants, vendors, contractors, and other parties maintaining any business relationship with the Education Achievement Authority of Michigan to act with integrity, due diligence, and in accordance with all laws relative to their duties and responsibilities involving the EAA of Michigan's fiscal resources. The EAA of Michigan is entrusted with public dollars, and no person connected with the EAA of Michigan should erode that trust.

The Chancellor shall be responsible for developing internal controls designed to prevent and detect fraud, financial impropriety, or fiscal irregularities within the Education Achievement Authority of Michigan. Every member of the EAA of Michigan's administrative team shall be alert for any indication of fraud, financial impropriety, or irregularity within his/her areas of responsibility and shall be held directly responsible for reporting such acts of impropriety.

Any employee who suspects fraud, impropriety, or irregularity shall report their suspicions immediately to his/her immediate supervisor and/or the Chancellor. The Chancellor shall have primary responsibility for any necessary investigations and shall coordinate investigative efforts with the EAA of Michigan's legal counsel, auditing firm, and other internal or external departments and agencies, including the county Prosecutor's Office and law enforcement officials, as the Chancellor may deem necessary and appropriate.

In the event the concern or complaint involves the Chancellor of the EAA of Michigan, the concern shall be brought to the attention of the Chairman of the Board who shall be empowered to contact the Office of the Governor, the Attorney General, EAA of Michigan's legal counsel, auditing firm, and any other agency to investigate the concern or complaint.

The Chancellor may elect to employ the EAA of Michigan's auditing firm to conduct a partial forensic/internal control/SAS99 audit annually or otherwise as often as deemed necessary. The Chancellor is authorized to order a complete forensic audit if, in his/her judgment, such an audit would be useful and beneficial to the EAA of Michigan.

Approved: _____

LEGAL REF: MCL 14.141-145; 15.361-369; 141.421-440a; 141.2101-141.2821;
380.1202; 380.1215; 380.1216; 380.1363; 388.1618

2550 Authorized Signatures

The Education Achievement Authority of Michigan shall authorize the signatures of three persons who may sign checks upon the various accounts of the EAA of Michigan. These individuals include the Chairman of the Board of EAA of Michigan, the Chancellor and the Deputy Chancellor for Business and Fiscal Affairs. At no time shall any check be issued against the revenue of the EAA of Michigan without a minimum of two signatures of the approved signators. Facsimile signatures may be used as authorized by the EAA Board.

Approved: _____

2570 Petty Cash Accounts

The Chancellor is not authorized to maintain a petty cash fund for the purpose of carrying out the business of the EAA of Michigan.

Approved: _____

2580 Payroll Procedures and Schedules

All employees of the EAA of Michigan shall be paid on a monthly basis according to a specific schedule. All salaries, supplements, and payments for extra duties shall be paid from the payroll account through the EAA of Michigan's business office. No payments shall be made directly to any school personnel for services rendered from any supplementary school fund.

Approved: _____

LEGAL REF: MCL 380.1224

2600 Reimbursement of Expenses

Education Achievement Authority of Michigan's personnel, or members of the Board, who incur reasonable expenses in carrying out their authorized duties shall be reimbursed by the EAA of Michigan to the extent approved or provided in Standard Operations and Procedures or duly negotiated agreements upon submission of an approved voucher and supporting receipts. The EAA of Michigan shall reimburse for mileage for out-of-town (outside the city where the EAA of Michigan's headquarters is located) travel for conducting the business of the EAA at the existing rate established by the Federal Government. Employees may be reimbursed for out-of-state travel when such travel is made for the purpose of EAA of Michigan's business. The EAA of Michigan does not reimburse for meals connected to out-of-district travel.

Approved: _____

LEGAL REF: MCL 15.321-330; 129.221 et. seq.; 129.241 et. seq.; 380.621a; 380.1217a; 380.1254

2605 Credit/Procurement Cards

The Chancellor shall be responsible for the issuance, accounting, monitoring, retrieval, internal controls and generally overseeing the use of EAA of Michigan credit or procurement cards for employees.

Issuance

Education Achievement Authority of Michigan employees, as approved by the Chancellor, may be issued an EAA of Michigan credit card that shall be used solely for the purchase of goods and/or services needed for official business of the EAA of Michigan.

Documentation

When an employee uses a EAA of Michigan credit or procurement card, documentation shall be provided to the Chancellor or his/her designee within three (3) calendar days detailing the goods or services purchased, the cost of such goods or services, the date of purchase, and the purpose for which such goods or services were purchased. In the event the employee is attending a conference

or an out-of-district/state activity related to the EAA of Michigan, such documentation for procurement card purchases shall be submitted within three (3) days of their return. The employee shall be held personally responsible for expenditures lacking proper documentation or for failure to submit the documentation within the three-day time period.

Lost Credit/Procurement Cards

Each employee issued a credit or procurement card is responsible for the protection and custody of Education Achievement Authority of Michigan credit/procurement card. If an employee of EAA of Michigan loses his/her credit/procurement card, he/she should notify the Office of Business and Fiscal Affairs immediately.

Return of Credit/Procurement Cards

An Education Achievement Authority of Michigan employee who is no longer employed by the EAA of Michigan shall return the credit or procurement card upon termination to the Office of Business and Fiscal Affairs at the time of termination or separation from the EAA of Michigan.

Payment

The EAA of Michigan shall approve all EAA of Michigan credit/procurement card invoices prior to payment. Such payments shall be made no later than sixty (60) days after receipt of the initial statement date.

Misuse and Unauthorized Use

An employee who violates a provision of this Policy shall be subject to disciplinary action as determined by the Chancellor which may include leave without pay and/or termination of employment of contract with the EAA of Michigan.

If the Chancellor violates a provision of this policy, he/she shall be subject to disciplinary action as determined by the EAA Board which may include leave without pay and/or termination of employment of contract with the EAA of Michigan.

Approved: _____

LEGAL REF: MCL 15.321-330; 129.221 et. seq.; 129.241 et. seq.; 380.1254

2610 Purchasing Goods and Services

The Chancellor or his/her designee shall be the sole purchasing agent for the Education Achievement Authority of Michigan.

Purchasing From Education Achievement Authority of Michigan Employees

The Board shall not purchase equipment or supplies from an employee of the EAA of Michigan, nor from a member of a household of an employee, nor from any firm in which an employee or member of his/her household holds a ten percent or greater financial interest.

Purchases through the EAA of Michigan

Board members and employees shall not make any purchase through the Education Achievement Authority of Michigan for personal use. The name of the Education Achievement Authority of Michigan or school, or an employee's position, shall not be used in such manner that discounts or causes preferences to be given to such persons. Purchasing equipment and supplies by the EAA of Michigan for resale to employees is prohibited.

Emergency Purchases

Emergency purchases may be made without using the quotation or bidding process. Such emergencies may arise because of an accident or other unforeseen/extenuating occurrence that could affect the life, health, welfare or safety of the EAA of Michigan's students or employees.

Approved: _____

LEGAL REF: MCL 15.321-330; 380.1216; 380.1274

2620 Administrative Authority for Emergencies and/or Catastrophic Events

In the event of an emergency such as a power failure, severe cold weather or other such natural disasters, the Chancellor shall have the authority to purchase capital equipment needed to keep the schools of the Education Achievement Authority of Michigan open or to reopen the schools. The EAA Board, at a special or regular meeting as soon as possible after the purchase is made, shall approve any such purchases.

Approved: _____

2650 Cooperative Purchasing

The Chancellor is authorized to consider, and recommend for EAA Board approval, membership in cooperative purchasing organizations that would be of benefit to the EAA of Michigan. Cooperative purchasing also pertains to what is commonly referred to as "third party bids." Third party bidding shall constitute a competitive bid for purposes of policy 3660 - Competitive Bids. The Chancellor is also authorized to establish cooperative partnerships with other districts and/or agencies which would result in benefits to the EAA of Michigan.

Approved: _____

2660 Bids and Quotation Requirements

With current state and federal statutes, all purchases requiring competitive bids shall be made in accordance with current statutes, the creation of bid specifications, and adherence to the Education Achievement Authority of Michigan's bidding procedure by the Education Achievement Authority of Michigan's Deputy Chancellor for Business and Fiscal Affairs subject of approval by the Chancellor.

The Deputy Chancellor for Business and Fiscal Affairs, as directed by the Chancellor, shall develop and maintain lists of potential bidders for various types of materials, equipment, and supplies. Such bid lists shall be used in the development of mailing lists for distribution of specification and invitations to bid. Any supplier may be included in the list upon request. The purchasing agent shall review all bid lists annually. A copy of this policy shall be given to all bidders upon creation of bid lists and upon request. All bids and supporting documentation shall be retained in the Education Achievement Authority of Michigan office with the Chancellor for a period of one year after bids have been opened.

Competitive Bids

No purchases shall be made of supplies, materials or equipment in a single transaction costing more than allowed under current law unless competitive bids for those goods and services are obtained.

Bid Specifications

The Chancellor or his/her designee shall write all bid specifications in a clear and concise manner. Such specifications shall include, when necessary: required performance, surety, bid and statutory bond information; compliance with preferential bid law; financial statements; the Board's right to reject any or all bids; compliance with all federal, state and local laws, ordinances and regulations; the date, time and place for the opening of bids; and other items as the Board directs.

Approved: _____

LEGAL REF: MCL 380.1267; 380.1274

2690 Purchasing

The Board shall purchase school equipment and supplies from state vendors whenever possible, providing that price, quality, and service of the state vendor compare favorably with those from non-state vendors. Bids shall be solicited from non-state vendors in order to establish a fair market price for equipment and supplies. State vendors shall be given preference if their bid or quoted price is within 5% of the low bid or quoted price, not to exceed a maximum of \$100.00, provided that all other matters are equal. State purchases shall be divided among several state vendors when appropriate. The Chancellor shall make all authorized purchases, as he/she deems best after carefully weighing all matters; however, barring any reasonable extenuating circumstances, the EAA of Michigan, in a spirit of fairness, shall reasonably be expected to accept bids from the lowest responsive and responsible bidder.

Approved: _____

2730 Vendor Relations

Vendors shall make contacts through the Chancellor or his/her designee. Vendors shall not contact EAA Board members, administrators or school employees directly unless such contact is approved or authorized by the Chancellor.

Approved: _____

2750 Payment Procedures

Payment of bills shall be made on a consistent basis and paid within requirements by state and federal mandates; in addition, the EAA of Michigan will use as a standard of good business practice the payment of bills within thirty (30) days.

Approved: _____

2800 Fund Raising and Student Activity Fund

Soliciting Funds From and By Students

All student fundraising practices by schools (i.e., gate receipts, admissions for special or extra-curricular activities, product sales, etc.) are school functions and the responsibility of the local school. All EAA of Michigan member schools are expected to adhere to GAAP, (Generally Acceptable Accounting Principles) as required by state and federal laws. A Local School Accounting Manual will be provided to all EAA of Michigan member schools accompanied by appropriate professional development.

The Board recognizes the existence of many worthwhile community and student activities that require the raising of funds either by the sale of merchandise, tickets, or perhaps direct request for money. Because of the need to safeguard students in the educational program, the Board limits participation of students to those activities that have the Chancellor's approval.

2900 Surplus Books, Equipment and Supplies

The Chancellor is authorized to dispose of surplus, obsolete books, equipment and supplies. All transactions shall be reported to the EAA Board and an equal opportunity for any purchases shall be given to everyone.

Approved: _____

SECTION 3000 - BUSINESS MANAGEMENT

- 3005 Employee Conflict of Interest - Purchases
- 3010 Buildings and Grounds Management
- 3015 Insurance Program Liability Insurance
 - Worker's Compensation
- 3040 Safety
 - Emergency Drills
 - Fire Prevention
 - Warning Systems
 - Safety Inspections
- 3050 Environmental Health and Safety - Employee Indemnification
 - Toxic Hazards and Asbestos
- 3080 Emergency Closings
- 3090 Traffic and Parking Controls
- 3100 Environment
- 3110 Security
- 3120 Thefts and Vandalism Records
- 3170 Records
- 3250 Printing and Duplicating Service – Copyright
 - Employee Produced Material
 - Copyright Compliance and Computer Software Copyright
- 3260 Fax Machines
- 3300 Student Transportation Management
- 3320 School Vehicles
 - Liability
 - Safety
 - Safety Inspection
 - End of Route Vehicle Inspection
 - Records
 - Licensing of Drivers
 - School Bus Safety Program
- 3350 Student Transportation in Private Vehicles
 - Field Trips
 - Student Self-Transportation
- 3450 Food Service
 - Management
- 3460 Food Allergies
 - Dealing with Food Allergic Students
- 3470 Bidding the Food Service Program Technology -

[SN For policies of a general nature on the generation and control of statistical and other information as desired by the Education Achievement Authority of Michigan and/or required by state and federal regulations. See also "Records" and "Report," in Index.]

- New Programs
- Upgrades
- Data Management
- Education and Instruction

3500 Technology

3510 Computer Network

- Privacy
- System Integrity
- Network Use
- Education Achievement Authority of Michigan Web Page(s)
- Limiting Access
- Use of Computers in an Education Achievement Authority of Michigan Library

SN Includes new construction as well as related activities such as acquiring sites, plant remodeling or modernizing and leasing or renting property to meet expansion needs.

3520 Filtering Software

3610 Facilities Development Goals

3650 Planning - Long-Range Retirement of Facilities

3760 Responsible/Qualified Contractor Policy Suspension or Revocation

3770 Selection of an Architect/Engineer/Construction Manager

3800 Educational Specifications

SN Detailed, precise, expert presentation of a plan or proposals for educational facilities including equipment, classrooms, laboratories, curriculum, etc.

3890 Supervision of Construction Change Orders

3900 Fair Employment Clause

3910 Affidavits and Guarantees

3950 Inspection of New or Remodeled Facilities

3005 Employee Conflict of Interest – Purchases

Board members and employees shall not make any purchase through the EAA of Michigan for personal use. The name of the EAA of Michigan or school, or an employee's position, shall not be used in such manner that discounts or causes preferences to be given to such persons. Purchasing equipment and supplies by the EAA of Michigan for resale to employees is prohibited

Employees in a position to influence decisions on purchases shall not have a personal financial interest either directly or indirectly in purchase for the EAA of Michigan, or benefit directly or indirectly from any financial transaction, unless that interest has been fully disclosed and the person involved has removed himself/herself from the decision-making process (This Procedure shall not be construed as conflict with Procedure 2800).

Purchases of, or use of EAA of Michigan property, materials and manpower, by employees, shall be accomplished in accordance with good business practices, and within the framework of applicable laws, regulations, and established Board Procedures. The Chancellor and his/her cabinet and any other administrator deemed by the Chancellor to be in a position to influence the purchase of any goods or services, shall sign and file a conflict of interest disclosure document whenever

applicable and appropriate and shall file such document with the office of Business and Fiscal Affairs.

Approved: _____

LEGAL REF: MCL 15.322-323; 380.1202

3010 Buildings and Grounds Management

All buildings and surrounding property shall be inspected by the Chancellor or his/her designee on a periodic basis aligned to a schedule developed by the Chancellor's Office. The Chancellor shall develop a comprehensive inspection program, which will ensure the proper monitoring and maintenance of all property used by the EAA of Michigan in order to protect the assets of property owners.

Approved: _____

3015 Insurance Program

The owners of all property used by the EAA of Michigan shall be insured by the owners. The EAA of Michigan shall be responsible for insuring all contents housed within buildings utilized but not owned by the EAA of Michigan. Such insurance may be obtained from companies licensed to do business in the state of Michigan. The status of the insurance program in its entirety shall be reviewed annually by the Chancellor or his/her designee with specific reference to adequacy of coverage, placement of insurance, and services provided by insurance agents, their representatives, associates, or companies. Any recommended changes or improvements shall be brought to the EAA Board and subject to its approval.

Liability Insurance

Liability insurance shall be provided to cover Board members and members of the administrative staff in performance of duties relating to Education Achievement Authority of Michigan business and operation.

Worker's Compensation

Worker's Compensation insurance shall be carried for all employees as provided by law.

Except in unusual circumstances, all insurance shall be purchased on the basis of bids, taking into consideration cost, service, potential dividends and any other factors that may be of benefit to the Education Achievement Authority of Michigan. The Chancellor shall be responsible to develop specifications for all forms of insurance and make recommendations to the Board.

The Board shall establish a reserve fund for the purpose of meeting the obligations incurred as a result of laws covering unemployment insurance. The amount of such funds shall be reviewed annually in relationship to obligations experienced over past years and anticipated obligations for the ensuing year.

Approved: _____

LEGAL REF: MCL 380.1269; 380.1332; 691.1405

3040 Safety

The EAA of Michigan has primary responsibility for the transformational efforts of Michigan's persistently lowest achieving schools. The initiatives of the EAA of Michigan shall center around providing children and families with a portfolio of school options. The EAA of Michigan will provide its member schools with the flexibility and autonomy for their day-to-day operations. It is expected, however, that member schools will be sensitive to the needs of students, families, stakeholders and employees with environments that are safe and conducive to exceptional teaching and learning. To this end member schools are expected to fulfill responsibilities as follows:

- **Emergency and Homeland Security Drills:** Each building housing students will comply fully with all laws regarding required fire, tornado, lockdown, and Homeland Security drills. Each EAA of Michigan member school shall devote a section to safety in the school handbook. Member schools shall provide to the Chancellor monthly reports concerning school safety drills and school safety status updates. The schools shall work in a spirit of cooperation with the Chancellor and local emergency management, fire, and/or police officials in the conduct of safety programs and procedures for the well-being of students and employees.
- **Fire Prevention:** The EAA of Michigan's member schools and all their employees shall be constantly on the alert for potential fire hazards. All fire retention equipment and fire extinguishers shall be inspected annually and serviced when necessary by member school officials.
- **Warning Systems:** The EAA of Michigan shall seek to cooperate with local government officials, emergency preparedness authorities and other related state agencies to ensure that adequate warning systems in the event of disasters are available for use in EAA of Michigan member schools. .
- **Safety Inspections:** The EAA of Michigan, through its Chancellor, will be responsible for working in cooperation with EAA of Michigan member school officials for inspections of member schools, to include but not limited to playgrounds and playground equipment, boilers, bleachers and other such areas to determine whether said facilities or play areas are in adequate repair and free of harmful defects under a schedule developed by the Chancellor and/or his/her designee.

Approved: _____

LEGAL REF: MCL 29.19; 380.1288; 30.409; R 340.1301-1305

3050 Environmental Health and Safety - Employee Indemnification

Toxic Hazards and Asbestos

The Board is concerned for the safety of students, staff, and the general public and shall comply with all federal and state statutes and regulations to protect them from hazards that may result from industrial accidents beyond the control of EAA of Michigan officials, from the presence of asbestos materials used in previous construction, and from hazardous materials present in the Education Achievement Authority of Michigan.

The Chancellor shall appoint an EAA of Michigan employee to serve as the designated person who shall carry out the requirements of the Asbestos Hazard Emergency Response Act (AHERA), the Michigan Occupational Safety and Health Act, and the Michigan Right-To-Know Rules and Regulations. The Chancellor may appoint a person(s) to develop and implement the Education Achievement Authority of Michigan's approved asbestos management plan and shall develop a specific job description, which shall ensure proper compliance with federal and state laws and the appropriate instruction and in-service of staff and students. The Chancellor shall have as an option to outsource this service or any other service for which the EAA of Michigan may not have internal capacity. Lack of internal capacity does not allow the Chancellor to abandon his/her responsibility relative to the safety and well-being of students.

The EAA Board shall, through either a separate contract, a sub clause to an existing contract, or as a part of a negotiated master contract, defend, hold harmless, and indemnify current and former Education Achievement Authority of Michigan employees who have been assigned the responsibilities related to the AHERA regulations from any and all demands, claims, suits, actions, and proceedings brought against those individuals as agents and/or employees of the EAA Board, provided that any such incidents arose while those individuals were acting within the scope of their respective employment contracts and were not intentional, negligent, or criminal acts.

The EAA Board shall attempt to maintain a secure liability insurance to help serve as a means of implementing this policy.

Approved: _____

LEGAL REF: MCL 380.623b; 380.1256(1) (2); 380.1274b (Mercury in the schools); 388.864; 408.1001 (Michigan Occupational Safety and Health Act)

3080 Emergency Closings

The Chancellor is authorized to close the schools in case of inclement weather or other emergencies, which makes it unsafe for students to attend school. The Chancellor may delay the opening of school in cases of fog or ice until such hour as it is anticipated conditions are safe for transportation. The Chancellor shall develop a process to make appropriate information available on which to base the decision.

Approved: _____

3090 Traffic and Parking Controls

The building Principal shall develop plans for accommodating the flow of traffic on school roadways, issue traffic regulations, and have responsibility for the assignment of parking areas to staff, students, and visitors to the schools. Convenient parking spaces shall be designated for handicapped persons.

Approved: _____

LEGAL REF: OAG, 1989-1990, No 6657, p 372 (August 21, 1990)

3100 Environment

In order to establish sound environmental and ecological oriented attitudes throughout the Education Achievement Authority of Michigan, the EAA Board recognizes its obligation to consider environmental values in any decision-making or action the Board proposes to take.

The Board shall cooperate with governmental and community agencies in order to increase the awareness and knowledge of environmental problems and possible solutions.

To the extent practical, the Chancellor shall develop administrative procedures relative to purchasing and use of materials, which shall consider the environmental and ecological impact of such purchases and uses. The development of bid specifications for material used by the Education Achievement Authority of Michigan shall consider generally recognized and accepted environmental and ecological concepts and principles.

Approved: _____

LEGAL REF: MCL 324.16901-16909; 324.17101-17107

3110 Security

EAA of Michigan member schools shall, through the entire staff, ensure that staff members, students, patrons and all property owned by the EAA of Michigan are protected at all times from possible damage or injury, outside intrusion or disturbances occurring on school grounds or in school buildings. Security devices and measures, such as, but not limited to, video cameras, audio surveillance devices, motion detectors, metal detectors (stationary or portable) and alarms, may be installed in any or all Education Achievement Authority of Michigan buildings, or in Education Achievement Authority of Michigan vehicles to protect Education Achievement Authority of Michigan personnel, students and property.

Approved: _____

LEGAL REF: MCL 380.1291; 1997 National Fire Protection Association 101, Life Safety

Code: 5-2.1.5.1

3120 Thefts and Vandalism

EAA of Michigan member schools shall be responsible for developing and implementing a plan designed to prevent thefts and vandalism. The costs of thefts and vandalism shall be made known to the student body and the general public on a regular basis. Any known damage to, or unauthorized removal from, school property, equipment or supplies, shall be promptly reported to the Chancellor or his/her designee, along with any information which may assist in its recovery or replacement.

Approved: _____

LEGAL REF: MCL 600.2913

3170 Records

All records pertaining to EAA of Michigan member school facility maintenance costs shall be tracked and monitored by the Office of Business and Fiscal Affairs. To the extent possible, a cost analysis of existing and proposed maintenance program shall be developed by the Chancellor.

Approved: _____

LEGAL REF: MCL 15.231 et seq.

3250 Printing and Duplicating Service - Copyright

The EAA of Michigan shall make duplicating equipment available for the Chancellor and his/her staff to the extent that is economically feasible and practical according to the needs of the EAA of Michigan. EAA of Michigan member schools assume the cost for their own copying and printing services.

The EAA of Michigan, its employees and member schools shall adhere to the copyright laws of the United States. It is illegal for anyone to duplicate copyrighted materials without permission. Severe penalties are provided for unauthorized copying of all materials covered by the act unless the copying falls within the bounds of the "fair use," as set forth in 4250-R.

Employee Produced Material

The EAA of Michigan has certain proprietary right to publications, devices and instructional materials produced by EAA of Michigan employees during their regular and normal workdays while in the employment of the EAA of Michigan. All documents (digital or hardcopy) prepared by EAA of Michigan employees on EAA of Michigan time, including data processing programs, shall become the property of the EAA of Michigan. The EAA of Michigan may elect to copyright or patent such materials, devices or programs in the name of the EAA of Michigan. All earnings or profits from such original materials, devices or programs shall become assets of the EAA of

Michigan. The Chancellor shall inform staff, through regulations, of the guidelines for use of copyright materials.

Copyright Compliance and Computer Software Copyright

The EAA of Michigan and its agents shall adhere to the provisions of the U.S. copyright laws regarding the duplication of computer software programs. The Chancellor shall develop appropriate procedures for staff to follow in this area.

Approved: _____

3260 Fax Machines

Fax transmissions may be considered public documents and as such must be treated accordingly. Verification of authenticity, security of handling, time and place of receipt and use of such documents are of utmost concern to the EAA of Michigan and Chancellor.

Approved: _____

3300 Student Transportation Management

Transportation services will be outsourced and will comply with state and federal laws and regulations. The EAA of Michigan shall provide a direct run system of transportation based the established guidelines listed below:

- Transportation for students in grades K-8 who live more than $\frac{3}{4}$ miles from their neighborhood school shall be provided corner stop service;
- Transportation shall be provided for special needs students based on their Individualized Education Plan (IEP);
- Regular education students in grades 9-12 will be provided bus passes or tokens and must meet the following criteria in order to qualify for a free or reduced bus pass:
 - The student must attend his/her neighborhood school;
 - The student must attend a neighborhood which is more than 1.5 miles from residence.
 - Bus tokens will be available directly from the student's neighborhood school.
- Career-technical education students will have transportation provided between their high school and the respective career-technical education center

Regular education students who attend citywide schools shall not be provided transportation.

Approved: _____

LEGAL REF: MCL 257.1801; 380.1321-1322; 380.1333; R 340.1702; R 340.281-282;
Michigan Department of Education Transportation Handbook (Bulletin 431)

3320 School Vehicles

Education Achievement Authority of Michigan owned or leased vehicles shall not be loaned, leased, or subcontracted to any person, groups of persons or organizations except as allowed by law and subject to EAA Board approval.

No public funds shall be spent by the EAA Board to hire, rent, or lease any form of transportation to be used by any student, school employee, patron, or any organization to transport anyone to or from a religious activity.

Liability

All EAA of Michigan's owned vehicles shall be adequately insured.

3350 Student Transportation in Private Vehicles

Field Trips: In scheduling transportation for field trips, the building Principal or Director/Charter school provider may approve the use of private vehicles in situations in which budget or schedule restrictions make it prohibitive or impractical to use school buses.

Student Self-Transportation: In cases where a student is enrolled in a EAA of Michigan approved, shared time program, or Education Achievement Authority of Michigan sponsored activity, at another school or program site (Example: An area career center, gifted and talented program, or dual enrollment program with an area junior college, college or university) parent(s)/guardian(s) of the student may request permission for their child to self-transport him/herself to and from that site, subject to rules and regulations established by the administration.

Approved: _____

LEGAL REF: MCL 257.57(c)

3450 Food Service Management

A school breakfast, lunch, or supplemental milk program shall be made available to all students enrolled in the Education Achievement Authority of Michigan member schools.

The EAA of Michigan shall participate in the surplus foods program operated under the U.S. Department of Agriculture via a direct run operation or outsourcing. The Chancellor shall determine the extent of participation based upon need and economic feasibility.

A system of accounts shall be designed and be operative which sets forth separately all revenues and disbursements of the food service operation as required by law and for management information purposes.

It should be the financial objective of the food service program to maintain a financially solvent program. Daily breakfast and lunch fees shall be set by the EAA of Michigan to cover actual costs of providing meals, milk, and accessories, including supervision, less the amount of food and financial assistance received from federal, state, and other sources for meals and milk.

Free and reduced price breakfasts and lunches shall be provided to eligible students according to standards as prescribed by the U.S. Department of Agriculture. The building Principal, Director/Charter school provider shall make provisions to ensure that information contained in the application for eligibility is kept confidential, and that students receiving free or reduced price breakfasts, lunches or milk are not discriminated against.

Students eligible for free or reduced price breakfasts and lunches shall not be required to work in the lunch program to an extent more than other students in the school.

The EAA of Michigan member schools shall provide avenues for parent(s)/guardian(s) and student participation in the planning and evaluating of school breakfasts, lunches, suppers and other foods dispensed upon school premises.

The control of students using the cafeteria shall be the responsibility of the building administrator.

The EAA of Michigan will ensure that its member schools comply with USDA regulations as they pertain to competitive food services and the sale of Foods of Minimal Nutritional Value (FMNV).

Approved: _____

LEGAL REF: MCL 380.1272-1272d; 42 USC 1779(b); 7 CFR 210.11; 7 CFR 220.12

3460 Food Allergies

Dealing with Food Allergic Students

The EAA of Michigan takes food allergies seriously. We understand that food allergies can be life threatening. Recognizing that the risk of accidental exposure to foods can be reduced in the school setting, we are committed to working with students, parent(s)/guardian(s), and physicians to minimize risks and provide a safe educational environment for food-allergic students. Accordingly, the Chancellor shall direct the person in charge of food service programs to act affirmatively and work closely with parent(s)/guardian(s) to assure that the dietary needs of food-allergic students are taken into consideration in menu planning for the Education Achievement Authority of Michigan's food service programs.

Approved: _____

LEGAL REF: The Food Allergy & Anaphylaxis Network's (FAAN) School Food Allergy Program.

3470 Bidding the Food Service Program

The EAA of Michigan shall contract with a reputable food service supplier(s) to provide food supplies within member schools.

Said service shall be advertised for bid at least every three years. The agreement with the successful bidder shall continue for one year with options for the yearly renewal of the contract not to exceed two additional years.

Awards shall be made by the EAA of Michigan and shall be based upon the fees charged, experience, reputation and financial stability of the bidder as well as compliance with the format, terms and conditions of the Invitation to Bid.

Approved: _____

LEGAL REF: MCL 380.1272

3500 Technology

The EAA of Michigan requires the application of technology, by its member schools, to functions where efficiency, reliability, and teaching and learning will be improved.

New Programs

New technologies or new applications of technology within the Education Achievement Authority of Michigan shall be implemented only after careful and thorough planning on the part of staff. Whenever possible, the staff should establish pilot project(s) and evaluate their effectiveness prior to implementing a new technological program on a school-wide basis. Whenever the EAA of Michigan or its local member schools allocates funds for the purchase of new technological hardware or software, an appropriate portion of the funds allocated shall be designated for the professional development for staff and students and the development of necessary supplementary materials and documentation.

Upgrades

The EAA of Michigan recognizes the need for ongoing upgrading of technological resources within its member schools and shall implement a plan and a budgeting process that ensures the regular replacement of aging equipment and software. In addition, the Chancellor shall develop a plan to appropriately utilize existing technology which may be outdated but can be repurposed for effective use in 21st Century classrooms.

The Chancellor shall develop and submit a plan to the EAA for upgrading the Education Achievement Authority of Michigan's technology resources based on an upgrade or replacement cycle of 5 years or less. The plan shall include recommendations for expansion of resources where

appropriate, based on the evaluation of pilot programs, and shall include provisions for staff training and curriculum/materials development.

Data Management

The Chancellor shall provide for the efficient acquisition of data base software, information processing equipment, networks, and support materials to best use computer technology to support and expand opportunities for exceptional teaching and learning. The Chancellor and his/her designees shall develop and maintain an effective, comprehensive and reliable system-wide data warehouse for the collection, analysis and reporting of EAA of Michigan instructional and operational data in order to make data driven and data informed decisions to continually improve teaching and learning.

The Chancellor shall establish procedures, which ensure the security, safety, and confidentiality of EAA of Michigan's employees and students Personal Identifiable Information (PII) data. The EAA of Michigan takes special care to secure and protect PII data and shall adhere to the Family Education Rights and Privacy Act (FERPA) as required by state and federal laws. The Chancellor shall ensure that all staff and students are informed and instructed on the ethical uses of data and computer technology. Education Achievement Authority of Michigan data shall be implemented in such a way as to facilitate access to subsets or aggregates of the data, which are not confidential.

Approved: _____

LEGAL REF: MCL 15.231 et seq.

3510 Computer Network

The Chancellor or his/her designee shall develop services linking computers within and between buildings and between the home/community and its member schools. All computer network implementation shall be in line with the EAA of Michigan's Standard Operations and Procedures.

Use of the computer network(s) as a part of any class or school assignment shall be consistent with curricula, aligned to state, national and international standards, adopted by the Education Achievement Authority of Michigan

Personal Accounts

The EAA of Michigan shall provide personal accounts for students, staff, and parents, when appropriate, to access to the EAA of Michigan's Local and Wide Area Networks. Such access shall be provided in furtherance of the EAA of Michigan's mission to enhance teacher and student knowledge and use of technology as viable tools for 21st Century teaching and learning and to facilitate effective communication, disruptive innovation and global collaboration. The EAA of Michigan will adhere to the Children Internet Protection Act (CIPA). To ensure the integrity of the educational process and to guard the reputation of the EAA of Michigan student and staff expression in public electronic media provided by the school may be subject to review, comment, editing, and/or removal by school and/or EAA of Michigan officials.

Personal accounts and all use of EAA of Michigan's computer resources are considered a privilege, not a right, and are subject to the EAA of Michigan's Standard Operations and Procedures. Electronic communications and stored material may be monitored or read by school officials. Electronic mail in personal accounts will not generally be inspected by school officials without the consent of the sender or a recipient, except as required to investigate complaints, which allege a violation of the EAA of Michigan's Standard Operations and Procedures. Student electronic mail and electronic storage space, which does not contain material made public by the student, shall be subject to the EAA of Michigan's Standard Operations and Procedures.

Network Use

The Chancellor shall develop rules and procedures for computer and network use, and shall see to it that rules are published annually for students, parent(s)/ guardian(s), staff, and EAA Board members. The EAA's computer and network use rules shall be consistent with the following requirements:

Users may not access EAA of Michigan's equipment to perform or solicit the performance of any activity that is prohibited by CIPA and any other appropriate state or federal laws.

Users may not access the system to transmit or publish information that violates or infringes upon the rights of any other person, or information that is abusive, obscene, or sexually offensive.

EAA of Michigan's computer or network equipment shall not be used for commercial purposes by any user, or for advertisement or solicitation without prior written approval from the Chancellor. Except with prior authorization from a system administrator or the owner of the record in question, users may not access or attempt to access the records or files of other users, or of the EAA of Michigan, nor delete, alter, or otherwise interfere with the records or files. Users may not use the electronic mail facility to send unsolicited, bulk, chain, harassing, anonymous, or other messages which are an annoyance to the recipient or which may cause a degradation of system performance.

Users may not use the network facility to access or bring into the school environment material that is inconsistent with the educational goals of the EAA of Michigan, including but not limited to material which is defamatory, abusive, obscene, profane, sexually explicit, threatening, racially offensive, illegal, or which aids or advocates illegal activity other than non-violent civil disobedience.

Web Page(s)

Any and all Web pages representing the EAA of Michigan shall be carried and posted only on the EAA of Michigan's server and shall be designed and published in accordance with rules established by the Chancellor.

Limiting Access

The administration may make use of technology, which attempts to block access by individual users to networked computers, data, or services that provide content, which, in

the opinion of the administration, is not in keeping with the educational aims of the EAA of Michigan pursuant to state and federal statute.

3520 Filtering Software

The Chancellor shall be responsible for directing appropriate EAA of Michigan technology staff to bring all computers used in accordance with CIPA. EAA of Michigan employees and student internet activities will be monitored by the EAA of Michigan to ensure that staff and students are not accessing inappropriate sites. Each EAA of Michigan computer with Internet access shall have a filtering device or software program that blocks access to visual depictions that are obscene, pornographic, inappropriate or harmful for students or staff.

Approved: _____

LEGAL REF: H.R. 4577, December 2000 Omnibus Spending Bill; 47 U.S.C. Section 254 (h).

3610 Facilities Development Goals

The EAA of Michigan shall utilize the best facilities possible within financial resources available to meet the educational needs of the students enrolled in member schools. The EAA of Michigan shall not construct new schools nor be responsible for the renovation of utilized buildings where the cost is prohibitive for the EAA of Michigan (i.e., HVAC, extensive roof repair or replacement, plumbing, deferred maintenance and/or major electrical). The EAA of Michigan, in its relationship with school districts where schools are acquired, shall be limited to that of landlord (owner of the buildings) and tenant (EAA as lessee). The EAA of Michigan recognizes that on occasion renovation projects will be necessary to align facilities to programmatic needs. In such cases, the EAA of Michigan shall be responsible for such renovation and will adhere to the guidelines that follow.

In determining facility needs and/or elimination of facilities, priority shall be given to plans which benefit the largest number of students in the EAA of Michigan but consider important matters such as safety, equal opportunity for students enrolled and the economic implications to the EAA of Michigan.

Approved: _____

3650 Planning - Long Range

The EAA Board and the Chancellor shall, at all times, keep in mind the future building needs of the EAA of Michigan and give due consideration to the acquisition of school sites well in advance of need.

Approved: _____

3760 Responsible/Qualified Contractor Policy

In order to be selected as the successful bidder to construct or renovate buildings in the EAA of Michigan, construction firms must be exemplary in their construction techniques and business practices. The purpose of this policy is to assure the EAA Board that the EAA of Michigan's construction and renovation projects utilize the specified materials and equipment, and employ qualified team members. The Chancellor can refuse to hire any contractor who does not meet the requirements of this policy. The EAA of Michigan may reject any bid proposals that, in the Chancellor's opinion or findings, contain inaccurate information.

The EAA of Michigan's criteria in selecting a contractor(s) for school construction projects shall be determined from the lowest, responsive, responsible and qualified bid(s) on the construction project(s) that meet the requirements of law, this policy, and the administrative rules for this policy developed by the Chancellor. The EAA of Michigan reserves the right to accept or reject a bid or combination of bids. The criteria and procedures for rejecting a bid or combination of bids shall be included in the construction bid documents, as appropriate to the type of work for which bids are solicited, and, as permitted by law.

Suspension or Revocation

The EAA of Michigan may, for good cause, suspend a contractor for a specified period or revoke the contract according to rules and criteria developed by the Chancellor. A contractor whose contract with the EAA of Michigan has been suspended or revoked shall be given the benefit of reconsideration and appeal. The Chancellor shall establish appropriate administrative rules to implement this policy.

Approved: _____

LEGAL REF: MCL 129.201 – 212; 380.1263; 380.1267; 388.851 – 855a; OAG 6789, 1994.

3770 Selection of an Architect/Engineer/Construction Manager

The EAA of Michigan shall comply with current law for the selection of either an architect, engineer, or construction manager for the EAA of Michigan's building plans. Contacts will be made by the Chancellor with qualified architectural, engineering, or construction management firms requesting a submission of information concerning their firms if they wish to be considered.

Approved: _____

LEGAL REF: MCL 388.851-855a; OAG, 1991-1992, No 6734, p 185 (October 12, 992); OAG 1994 – 1995, No 6789 (March 3, 1994)

3800 Educational Specifications

The Chancellor shall assume the responsibility of working with staff to determine educational specifications for all new or renovated construction. These specifications shall be approved by the Board and then discussed in conferences with the architect, engineer, or construction manager. Such specifications shall include:

1. Information concerning the plan of the school organization and estimated enrollment in the proposed building,
2. A description of the proposed curriculum and the teaching methods and techniques to be employed, A schedule of space requirements, including the indications of relative locations of various spaces,
3. A desired layout of special areas and the equipment needed for such areas,
4. An outline of mechanical features and special finishes desired,
5. A description of standard codes and regulations (EAA of Michigan, city, county, and state) affecting the particular planning, and
6. Any other details, which may be needed or recommended relative to the specific project.

Approved: _____

3900 Fair Employment Clause

It shall be the intent of the Board to award all contracts in excess of \$15,000 to qualified contractors and subcontractors who do not discriminate against any employee or applicant for employment because of age, sex, race, color, religion, creed, age, physical handicap, ancestry, national origin, height, weight, or marital status. Compliance with this policy shall be assured by contractual provisions.

Prior to awarding a bid or purchase order for construction, materials, and services, a firm shall comply with all state and federal laws, and verify it. The Chancellor shall review and evaluate all such plans and his/her approval or disapproval shall be subject to review by the Board. A bidder has five working days to appeal the decision of the Chancellor.

The above policy shall not apply to those contractors employing less than five (5) persons.

Approved: _____

LEGAL REF: MCL 37.1101-1606 (Person's with Disabilities Civil Rights Act); 37.2101-2804 (Elliott-Larsen Civil Rights Act)

3910 Affidavits and Guarantees

All contractors shall submit proof of their coverage of liability and workers compensation insurance as required by Michigan law to the business office. All bids on construction projects shall stipulate that the contractor shall provide liability coverage, which total at least \$1,000,000.00.

The general contractor shall provide a performance bond equal to at least 25 percent of the contract amount to protect the EAA of Michigan from the failure of the contractor or contractors to perform the terms and conditions of the contract.

The architect, engineer, or construction manager shall assume the responsibility that all product guarantees, warranties, and workmanship guarantees for materials and performance of services are duly executed and that signed documents are delivered to the EAA of Michigan.

Approved: _____

LEGAL REF: MCL 129.201-212 (Contractor's Bond for Public Buildings or Works);
418.101, et seq. (Worker's Disability Compensation Act)

3950 Inspection of New or Remodeled Facilities

A building project shall be accepted by the EAA of Michigan only after all details are complete and the architect, engineer, or construction manager and project Director have certified to the EAA of Michigan that the project has been completed, along with a written approval by the architect, engineer, or construction manager for occupancy certifying the approval of all state and local authorities where required. The architect, engineer, or construction manager and representatives of the administrative staff shall complete a preliminary inspection, after which the EAA of Michigan shall inspect the building and give its formal approval and acceptance.

No new or renovated building or addition shall be occupied by students until so authorized by those state and local authorities where approvals for occupancy are required.

Final payments to contractors will be withheld until such a time as the requirements of this policy have been met.

Approved: _____

SECTION 4000 – HUMAN RESOURCE SERVICES

- 4010 Mission of EAA of Michigan
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4010 Mission of the Education Achievement Authority of Michigan

The mission of the Education Achievement Authority of Michigan, as a catalyst for change, is to transform traditional public schools and provide a prototype for 21st Century Teaching and Learning.

Approved: _____

4015 Equal Employment Opportunity

The EAA of Michigan is an equal opportunity employer. The objective of the EAA of Michigan is to attract and retain highly qualified and effective individuals by virtue of job-related standards of exceptional performance, experience and personal qualification. The EAA of Michigan does not acknowledge or adhere to practices of permanent status, promotion, transfer, placement, and/or increases to compensation based upon a system of longevity and seniority. The Chancellor is responsible for ensuring compliance and continued adherence to this Standard.

Approved: _____

LEGAL REF: 42 USCA 2000e-8, 2000e-12; 44 USCA 3501 et seq.; 42 USCA 12117 (The Equal Employment Opportunities Act); 29 USCA §§627, 630 (Age Discrimination in Employment Act); 42 USCA §1981 et seq. (Civil Rights Act); 28 FCR §4241; 28 CFR §42.405 (Title VI of the Civil Rights Act); 42 USCA §2000e, et seq. (Title VII of the Civil Rights Act); 20 USCA §1681; 34 CFR §106.8; 34 CFR §106.9 (Title IX of the Education Amendments); MCL 37.1101-1607 (Persons with Disabilities Civil Rights Act); 37.2101-2804 (Elliott-Larsen Civil Rights Act); Michigan Constitution Article I, §2

4020 Staff Appearance

EAA of Michigan's staff dress and grooming must not disrupt the educational process, interfere with the maintenance of a positive teaching/learning climate, or compromise reasonable standards of health, safety, and decency and must comply with standards befitting the teaching profession.

4025 Employee Conduct

All EAA of Michigan employees have the responsibility to become familiar with, and abide by, the laws of the state of Michigan as they affect their work, the procedures of the EAA Board, and the administrative regulations designed to implement them

4030 Non-Discrimination and Complaint Procedure

The EAA of Michigan will not discriminate against any person on the basis of sex or sexual orientation, race, color, national origin, religion, height, weight, marital status, handicap, age, or disability.

Approved: _____

4035 Discriminatory Harassment of Employees or Applicants

Discriminatory harassment of EAA of Michigan elected officials, employees, or applicants for employment by Board of Education Members, Education Achievement Authority of Michigan employees, vendors, contractors or others doing business with the Education Achievement Authority of Michigan, students, parent(s)/ guardian(s), invitees, volunteers or guests will not be tolerated.

Discriminatory harassment includes unwelcome sexual advances, requests for sexual favors or other verbal, written, or physical conduct relating to an individual's sex or sexual orientation, race, color, national origin, age, religion, height, weight, marital status or handicap/ disability when:

- Submission to such conduct or communication is made a term or condition, either explicitly or implicitly, to obtain employment;
- Submission to, or rejection of, such conduct or communication by an employee/applicant is used as a factor in decisions affecting such employee/applicant's employment; or

Such conduct or communication has the purpose or effect of substantially interfering with an employee's employment, or creating an intimidating, hostile, or offensive employment environment, or otherwise adversely affects an employee's employment opportunities.

Any employee or applicant who believes that he/she has suffered harassment shall immediately report the incident(s) to the Chancellor or his/her designee.

The EAA of Michigan prohibits any form of reprisal for an employee or applicant who reports an incident of discriminatory harassment.

In determining whether the alleged conduct constitutes discrimination or harassment, the totality of the circumstances, the nature of the harassment and the context in which the alleged incident(s) occurred will be investigated. The Chancellor or his/her designee has the responsibility of investigating complaints of discriminatory harassment of employees or applicants. In cases where the alleged harassment involves a member of the EAA Board, the Chancellor will report the complaint in writing to the Office of the Governor.

In the event the complaint is against the Chancellor, the EAA Board shall be automatically designated as the recipient and investigator for such complaints. The EAA Board may elect to employ legal counsel or other qualified, independent investigators to assist with the investigation.

The EAA Board considers discriminatory harassment based on religion, race, color, national origin, age, sex or sexual orientation, height, weight, marital status, handicap, or disability to be a major offense, which will result in disciplinary action which may include leave without pay or termination of employment. Disciplinary action against an EAA Board member may result in removal from office.

Notification

Notice of this Policy will be made available through the system's website, from the EAA of Michigan's headquarters and posted on information boards located within the EAA of Michigan's member schools. EAA member schools shall be required to include this policy in teacher, student and/or parent/guardian handbooks.

Approved: _____

LEGAL REF: MCL 37.2101 et seq., (Elliott-Larsen Civil Rights Act); 380.11a; 20 USCA §1681; 34 CFR §106.8; 34 CFR §106.9 (Title IX of the Education Amendments)

4040 Retaliation and Whistle-Blowing

EAA of Michigan employees are encouraged to report suspected illegal activity to appropriate EAA of Michigan administrators, or members of the EAA Board. The EAA of Michigan will not tolerate any form of reprisal, retaliation, or discrimination against:

Any employee, or applicant for employment, because he/she opposed any practice that he/she reasonably believed to be made unlawful by federal or state laws prohibiting employment discrimination on the basis of sex or sexual orientation, race, color, national origin, age, religion, height, weight, marital status, handicap or disability; or

Any employee, or applicant for employment, because he/she filed a charge, testified, assisted or participated, in any manner, in an investigation, proceeding or hearing under federal or state laws prohibiting employment discrimination on the basis of sex or sexual orientation, race, color, national origin, age, religion, height, weight, marital status, handicap or disability or because he/she reported a suspected violation of such laws according to this policy; or

Any employee or applicant because he/she reported, or was about to report, a suspected violation of any federal, state or local law or regulation to a public body (unless the employee knew that the report was false) or because he/she was requested by a public body to participate in an investigation, hearing or inquiry held by that public body or a court.

An employee or applicant for employment who believes that he/she has suffered reprisal, retaliation, or discrimination in violation of this policy shall report the incident(s) to the Chancellor or his/her designee. The EAA Board of Education guarantees that no employee or applicant for employment who makes such a report will suffer any form of reprisal, retaliation, or discrimination for making the report.

The EAA of Michigan prohibits any form of reprisal for an employee or applicant who reports an incident of discriminatory harassment.

Approved: _____

LEGAL REF: MCL 15.361 - 369, "The Whistleblowers' Protection Act."

4160 Qualifications and Duties

A job description for each classification of EAA of Michigan employees shall be approved and signed by the Chancellor or his/her designee. Such job description shall be on file in the EAA headquarters.

Approved: _____

4170 Recruitment

The Chancellor shall have the authority to establish a procedure for the aggressive recruitment of well-qualified and highly effective personnel for employment within the Education Achievement Authority of Michigan's Portfolio of Schools. The Chancellor may request building Principals or other staff members to assist in this effort and/or secure assistance from outside consultants (e.g. Teach for America, Leading Educators, The New Teacher Project and search firms). In addition, the Chancellor shall develop a plan for on-going national and international recruitment for highly qualified and effective employees for the reinvention and transformation of EAA of Michigan's member schools.

Identity and Employment Status

Evidence to be used to verify identity, employment status, U.S. citizenship, or legal alien status should include at least two of the following documents, one of which contains a current photo of the employee: U.S. birth certificate, social security card, and a current driver's license; a state or military identification card; or one of the following: U.S. passport, certificate of U.S. citizenship, certificate of naturalization, unexpired foreign passport, or resident alien card.

The Chancellor shall insure that the EAA of Michigan is in compliance with the provisions of Title I, the No Child Left Behind Act. Manuals and handbooks shall comply with state and federal laws as to the qualifications for instructional personnel. Notice of professional qualifications shall be provided to parent(s)/guardian(s) of students in Title I schools and staffing pattern reviews as required by law shall be conducted annually.

Approved: _____

LEGAL REF: 42 USCA §1981 et seq. (Civil Rights Act); 42 USCA 2000e-8, 2000e-12; 44 USCA 3501 et seq.; 42 USCA 12117 (The Equal Employment Opportunities Act); 42 USCA §2000e, et seq. (Title VII of the Civil Rights Act); 20 USCA §1681; 34 CFR § 106.8; 34 CFR §106.9 (Title IX of the Education Amendments); 42 USCA 12116 (The Americans with Disabilities Act); MCL 37.1101-1607 (Persons with Disabilities Civil Rights Act); 37.2101-2804 (Elliott-Larsen Civil Rights Act); 20 USCA 6311(h)(6)(A) (No Child Left Behind Act)

4175 Criminal History and Background Checks

Criminal History Checks

Upon an offer of initial employment by EAA of Michigan, or upon learning that an individual has been assigned to regularly and continuously work under contract or as a volunteer in the EAA of Michigan the individual shall have undergone both a criminal history and records check performed by the State Police and/or the FBI. The results shall have been received before the individual is employed unless, under the guidelines in current law, the person may be employed prior to the results being received.

In the event that an employee, contractor, or volunteer is allowed to begin work prior to the completion of the background check, the employee shall be made aware, in writing, that continued

employment with the EAA of Michigan is predicated upon background clearance. A negative report resulting from background check shall be cause for immediate termination. In addition, falsification of an application for employment shall be grounds for immediate termination. No individual shall be employed, in any capacity, who has been convicted of a listed offense under the Michigan Sex Offenders Registration Act15.

An individual shall not be employed, in any capacity, who has been convicted of a felony, unless the Chancellor specifically approves the work assignment in writing.

Criminal history and records checks shall be used for employment purposes only. The EAA of Michigan shall not disclose the report or its content, except a felony conviction or a misdemeanor conviction involving sexual or physical abuse, to any person other than those directly involved in evaluating the applicant’s qualifications for employment

Approved: _____

LEGAL REF: MCL 380.1230; 380.1230a; 380.1230b; 380.1230c; 380.1535a (9)

4180 Recruiting Privacy Records

Official personnel files of EAA of Michigan employees shall be maintained in a secured location and under the custodianship of the appropriate EAA of Michigan staff member. Complete personnel files of employees who have left the EAA of Michigan shall be similarly kept, but in an inactive file.

Approved: _____

LEGAL REF: MCL 15.231 et seq.; 423.501-512

4185 Release of Information

Employees of the EAA of Michigan may have ongoing opportunities to access confidential information or records that are only available to the public on a limited review basis. Much of the information processed by EAA of Michigan employees is confidential, and law governs its release; for example, driver record and vehicle registration information, confidential student records, criminal history background check information, information obtained pursuant to Department of Human Services intervention, social security number information, and professional misconduct background checks.

It is the policy of the Board that employees are prohibited from divulging information contained in the records and files of the EAA of Michigan, except to other, authorized employees who may need such information in connection with their duties and to authorized persons or agencies only in accordance with law, EAA of Michigan policies, and administrative rules.

Any EAA of Michigan employee who inappropriately releases information, or uses confidential information obtained in the course of his/her employment with the EAA of Michigan for personal

reasons or private gain, will be disciplined in accordance with EAA Procedures Disciplinary action and may include severe penalties, up to, and including termination of employment.

The EAA of Michigan shall apply the requirements set forth in this Policy, equally, to any data processing subcontractor employed. Data processing subcontractors shall, as a condition of their contractual agreement with the EAA of Michigan, be required to adopt this, or a similar Policy or procedure, regarding their own employees.

The Chancellor shall implement appropriate administrative rules to help assure the confidentiality of records and, particularly, those records obtained through electronic means.

Approved: _____

LEGAL REF: Federal Driver Privacy Protection Act of 1994 (18 USC 2721 et seq.); MCL 257.208c - 208d; MCL 257.903; 380.1230

4190 Social Security Number Confidentiality

Pursuant to both state and federal law, it is the Procedure of this EAA of Michigan to protect the confidentiality of social security numbers. No person shall knowingly disclose, transfer, or unlawfully use the social security number of any employee, student, or other individual.

The Chancellor shall establish rules and regulations to implement this Procedure to include:

1. The confidentiality of social security numbers is maintained to the extent practicable;
2. The unlawful disclosure of social security numbers is prohibited;
3. Access to information or documents containing social security numbers is limited; and
4. Documents containing social security numbers are disposed of properly.

This Procedure and its rules shall be published in the appropriate handbooks, manuals, and other similar documents. The published document(s) may also be made available electronically.

EAA of Michigan Employees who violate this Policy or the rules that implement it, may be subject to disciplinary action up to and including suspension or expulsion for students and termination for employees.

Approved: _____

LEGAL REF: MCL 445.81 et seq.; 18 USC 1028; 5 USC 552a (The Privacy Act of 1974)

4195 Professional Development

The EAA is committed to comprehensive, job-embedded, sustained professional development to build and expand staff capacity to improve teaching and learning.

For its certified staff, the EAA of Michigan will use professional learning communities, data teams and technology to foster both local and global collaboration among teachers and schools. In addition, teachers and administrators will have access to on-demand individualized professional development with direct access to videos to support continued growth aligned to professional learning plans.

Special emphasis will be placed on professional development related to the analysis of data. Each respective EAA of Michigan staff member must have the ability to interpret both formative and summative data to provide continuous feedback on student performance and to inform instructional delivery as it relates to best practice. Ongoing professional development will be provided for technology, software and other adopted programs.

For its non-certified staff, the EAA of Michigan will provide both orientation and professional development to promote continuous development and improvement.

4200 Evaluation – Certified, Professional Staff

Each employee of the EAA of Michigan will be evaluated annually. Employee evaluations for certified and professional staff, including but not limited to teachers, administrators, counselors, social workers shall be based on the achievement of results specified in each EAA of Michigan employee's position description and on specific targets and objectives. All evaluation outcomes shall be based upon identified standards of growth for respective positions within the EAA of Michigan.

The Revised School Code and other related Michigan law addressing the issue of employee evaluation, authorize and require the EAA of Michigan to establish employee performance evaluation systems that retain employees based on effectiveness. Accordingly, with the involvement of employees, the Chancellor shall establish and implement a rigorous, transparent, and fair performance evaluation system that includes the following:

- A) Evaluates an employee's job performance at least annually while providing timely and constructive feedback;
- B) Establishes clear approaches to measuring student growth and provides employees with relevant data on student growth;
- C) Evaluates an employee's job performance, using multiple rating categories that take into account data on student growth as a significant factor. For these purposes, student growth shall be measured by national, state, or local assessments and other objective criteria;
- D) Uses the evaluations, at a minimum, to inform decisions regarding all the following:
 - i. The effectiveness of employees, so that they are given ample opportunities for improvement;
 - ii. Promotion, retention, and development of school administrators, including providing relevant coaching, instruction support, or professional development;

- iii. Whether to grant full certification, to employees using rigorous standards and streamlined, transparent, and fair procedures; and
- iv. Removing ineffective employees after they have had ample opportunities to improve, and providing that these decisions are made using rigorous standards and streamlined, transparent, and fair procedures.

Evaluations of employees shall be conducted pursuant to relevant provisions of the Revised School Code and the Chancellor's administrative guidelines.

4205 Teacher Placement

The EAA of Michigan shall place teachers and other professional staff based on student, programmatic, and curricular educational needs as determined by the Chancellor and pursuant to the Revised School Code, the Teachers' Tenure Act and the Public Employment Relations Act.

The EAA of Michigan shall not adopt or implement a policy that provides that length of service or tenure status is the primary or determining factor in personnel decisions related to teacher or professional staff placement.

The EAA of Michigan shall adopt and implement a policy to ensure that all personnel decisions related to teacher or professional staff placement are based on the educational needs as determined by the Chancellor. Accordingly, the Chancellor has sole discretion in professional staff placement and may consider the following factors: professional effectiveness as measured by the EAA's performance evaluation system; or the assessed effectiveness, skills, and qualifications of a newly hired professional employee.

Approved: _____

MCL 380.1248; 423.215(3)(m)

4210 Possessing, Transporting or Transmitting Dangerous Weapons

No person shall possess, transport or transmit a dangerous weapon on EAA of Michigan property, property used by the EAA of Michigan for a school-related purpose, or in a motor vehicle used for a EAA of Michigan-related purpose unless: (a) Prior permission has been granted by the Chancellor, (b) The person is an on-duty law enforcement officer or, if off duty, the officer is otherwise required by the law enforcement agency to carry a weapon; or (c) as otherwise allowed by law.

A dangerous weapon, within the meaning of this policy, shall include, by way of description, such things as a firearm, knife, black jack, baton, iron bar, brass knuckles, martial arts devices, and incendiary and/or explosive devices. Pursuant to federal law, the term firearm includes, but is not limited to, any weapon designed to expel a projectile by the action of an explosive, the frame or

receiver of any such weapon, a muffler or silencer for such a weapon, or destructive device. Any person, including a student, who violates this policy, will be reported to law enforcement authorities. Employees who violate this policy will be severely disciplined, up to and including discharge.

The administrative rules prohibiting students from possessing dangerous weapons is contained in the Student Code of Conduct. The EAA of Michigan, pursuant to state law, shall expel students who violate the weapons laws and rules unless one of the statutory exceptions is established. To comply with federal law, any such exception shall be reduced to writing.

Facsimile Weapons

The EAA of Michigan will not tolerate employee possession of any facsimile or “look alike” weapon on school property at any time. It shall be a violation of this policy for any employee or other person to carry, display, or brandish any facsimile of a dangerous weapon with the intent to scare, terrify, alarm, threaten, or intimidate any other person.

Any employee in possession of a replica or facsimile of a dangerous weapon, in violation of this policy will be placed under immediate suspension, pending an investigation of the incident by the appropriate school or legal authorities. In accordance with applicable law and collective bargaining agreements, the Chancellor is authorized to discipline any employee who violates this policy.

Approved: _____

LEGAL REF: MCL 380.1311; 750.237a; 18 USCA 921; 20 USCA 7151 (No Child Left Behind Act)

4215 Staff Complaints

The EAA of Michigan recognizes the need to provide for the orderly resolution of disagreements or complaints arising out of alleged misapplication of an EAA of Michigan Procedures. Such disagreements or complaints should be resolved at the lowest possible administrative level. The Chancellor shall assure the procedures may be utilized without fear of reprisal.

The procedure established for resolution of grievances in the master contracts negotiated with recognized employee organizations shall apply only to grievances as defined by the particular agreement.

Approved: _____

4220 Staff-Student Relations

All EAA of Michigan employees are expected to maintain relationships with members of the student body, which are conducive to an effective educational environment. All EAA of Michigan employees are responsible for the regulation of student conduct.

Threats to Students: Any EAA of Michigan employee who threatens to inflict, inflicts, or causes to be inflicted, deliberate physical pain by any means to any student, may be disciplined according to provisions which may be found in the current negotiated master contract or as prescribed by the EAA of Michigan.

Employees found to be in violation of this Policy by the EAA of Michigan may be subject to: a letter of reprimand, probation, suspension, and/or termination of employment.

Approved: _____

LEGAL REF: MCL 380.1312

4230 Conflict of Interest

EAA of Michigan employees are prohibited from engaging in activities which may be construed as a conflict of interest and detract from the effective performance of their duties. No employee shall attempt, during the school day or on school property, to sell or endeavor to influence any student to buy any product, article, instrument, service or other such item, which would directly or indirectly benefit said school employee.

Any EAA of Michigan employee shall report alleged violations of the conflict of interest Procedure to the Chancellor. The Chancellor shall make an initial investigation to determine whether said Policy has been violated.

No teacher shall tutor his/her own students for private pay utilizing EAA of Michigan equipment and/or facilities.

Approved: _____

LEGAL REF: MCL 15.321 – 323

4240 Nepotism

The EAA of Michigan shall not participate in nepotism or cronyism in its practices regarding employees (i.e., hiring, promoting, transferring, terminating and/or assigning of increase in compensation). No EAA of Michigan employee shall be placed in a position in which he/she would be in a direct supervisory relationship with a member of his/her immediate family. Members of the immediate family shall be defined as spouse, father, mother, brother, sister, son, daughter, son-in-law, daughter-in-law, sister-in-law, or brother-in-law.

Approved: _____

LEGAL REF: MCL 37

Complaints about Personnel

Complaints will be investigated fully and fairly, and the employee's rights to due process shall be protected at all times.

Whenever a complaint is made directly to the EAA of Michigan as a whole or to an EAA of Michigan employee, it shall be referred to the administration for study and possible solution. The employee involved will be informed and shall be given every opportunity for explanation, comment and presentation of the facts as the employee sees them. The employee shall also be given the opportunity to meet with the person(s) making the complaint if the employee so desires.

The employee involved may request a closed session of the EAA of Michigan for a full study and decision by this body. Statutory provisions for closed sessions of the EAA of Michigan shall be observed.

Generally all parties involved, including the administration, will be asked to attend such a meeting to present additional facts and clarify the issues. Hearsay and rumor shall be disregarded as will any emotional display.

The EAA of Michigan shall conduct such meetings in as fair and just a manner as possible. The EAA of Michigan may request a disinterested third party to act as moderator to help the EAA of Michigan reach a mutually satisfactory solution.

4245 Political Activities

Staff members who intend to become candidates for political office are asked to notify the Chancellor within five days of the date on which the declaration of candidacy is filed to discuss the compatibility of the office regarding continued employment with the EAA of Michigan.

Approved: _____

LEGAL REF: MCL 15.4

4335 Health Records - HIPAA

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) grants individuals the right to receive notice of the uses and disclosures of their Protected Health Information (PHI) that may be made by the EAA of Michigan and sets forth the individual's right's and the EAA of Michigan's legal obligations with respect to PHI. The EAA of Michigan declares itself a hybrid entity under the law.

The EAA of Michigan will maintain all PHI in accordance with law. Protected health information does not include information contained in student education records covered by the Family Educational Rights and Privacy Act (FERPA) or employment records held by the EAA of Michigan in its role as an employer.

Protected health information will only be available to designated employees who need to have access to those records in their employment capacity with the EAA of Michigan and with other authorized entities. Employees will not disclose or use PHI unless an appropriate written consent/authorization exists, an actual emergency exists, or unless otherwise authorized by law. The EAA of Michigan will train all employees who may have contact with protected health information on the law and the EAA of Michigan's policies and procedures as necessary and appropriate for the employee's position. Any employee failing to comply with EAA of Michigan policies, procedure, or law may be disciplined or terminated.

The EAA of Michigan will not intimidate, threaten, coerce, discriminate against or take other retaliatory action against any individual for exercising his or her rights; participating in any process; filing a complaint; testifying, assisting or participating in an investigation, compliance review, proceeding or hearing; or in good faith opposing any act or practice the individual believes is unlawful, in accordance with law. The EAA of Michigan's privacy official shall be designated by the Chancellor.

Approved: _____

LEGAL REF: 20 U.S.C. § 1232g (FERPA); Health Insurance Portability and Accountability Act (HIPPA), 42 USCA § 210 et seq. (P.L. 104-191 of 1996); 45 C.F.R. §§ 160.101 et. seq.; 164.102 et. seq.

4340 Staff Health and Safety

The EAA of Michigan shall promote staff health, safety, and protection during working hours.

The EAA of Michigan shall comply with the provisions of the federal and Michigan Occupational Safety and Health Act as they apply regarding the employee's right to know of hazardous conditions or materials. The Chancellor or his/her designee shall develop appropriate procedures for informing staff.

Approved: _____

LEGAL REF: Michigan Constitution Article VIII, §3; MCL 408.1001-1094 (Michigan Occupational Safety and Health Act)

4345 Staff Smoking and Tobacco Products

EAA of Michigan employees shall not smoke or use tobacco products in any building or on school grounds except as otherwise allowed by current law.

EAA of Michigan employees shall not smoke or use tobacco products in the presence of or proximity to students at any time when they are involved with students or when supervising student activities whether on or off EAA of Michigan property.

Approved: _____

4350 Alcohol and Drug-Free Workplace

The use, distribution, dispensation and/or manufacturing of controlled substances, as defined by state and federal law, or alcoholic or “look-alike” alcoholic beverages, by EAA of Michigan employees on EAA of Michigan grounds, in EAA of Michigan buildings and/or in connection with any EAA of Michigan activity or function, is prohibited.

Any EAA of Michigan employee who violates the above policy may be subject to disciplinary action, up to and including termination of employment. In addition, the employee may be required to participate, satisfactorily, in an alcohol or drug assistance rehabilitation program approved by the Board in order to continue employment with the EAA of Michigan.

Any EAA of Michigan employee who has been found guilty of violating a criminal drug statute in the workplace shall notify the Chancellor within five (5) days after a conviction relating to the drug offense.

The Chancellor shall notify the appropriate federal, state, or local law enforcement agency within ten (10) days after receiving notice of a workplace related drug conviction on the part of the employee. The Chancellor shall develop an alcohol and drug-free awareness program for EAA of Michigan employees. EAA of Michigan employees who request assistance for drug counseling and/or rehabilitation shall direct their request to the Chancellor.

4355 Procedures for Vacation, Paid Time Off and Emergency Closing

260 day contract for 12 month employees
240 day contract for 11 month employees
220 day contract for 10 month employees
170 day contract for 9 month employees

Absences

All employees are expected to work on a regular and consistent basis, completing their regularly scheduled hours per week. Excessive absenteeism (more time than allotted in Paid Time Off and not covered by Family Medical Leave Act (FMLA)) may result in disciplinary action, to include termination of employment. Disciplinary action taken because of absenteeism will be considered on an individual basis, following review of the employee’s absence and overall work record and legal issues as appropriate.

Any employee (teacher or administrative) who does not personally inform his/her immediate supervisor of the anticipated absence for three (3) consecutive workdays, will be considered to have voluntarily resigned from employment at the EAA of Michigan. If an administrator or supervisor experiences this situation with an employee, he/she should contact Human Capital Management immediately.

A leave of absence for purposes of vacation, Paid Time Off, military or jury duty, or other planned absence are further described in this Standard Operations and Procedures Manual.

Paid Time off

Paid Time Off includes both sick and personal days. Sick days are for personal sickness. Personal days are intended to provide for time off in cases of personal/family emergency and religious holidays. An accrual rate of 1 day (8 hours) per month will be earned by 12 month employees. Employees may accumulate unused paid time off days and upon separation of employment from the EAA of Michigan may opt to be paid for up to 20 Paid Time Off days at their daily rate and/or apply additional unused sick days toward state retirement or any combination of the above. Employees starting after August 15th will receive a prorated paid time off at a rate of 7.33 hours/month. Employees may not use Paid Time Off days before they are accrued. When using Paid Time Off, the employee must notify their immediate supervisor of the absence and a Paid Time Off request sheet must be completed and turned into the Business and Finance department within three days of the absence. Upon termination of the employment contract for any reason, the employee will be paid for the unused, up to 20 days (160 hours) Paid Time Off days based on the employee's daily rate of pay.

Vacation

Vacation days with pay are available to eligible regular full-time employees. Each employee is notified in his/her offer letter as to the amount of paid vacation time to be received each year. Accrual rate of one day per month for July – April. Employees may roll up to 40 (320 hours) of unused Vacation days. Employee bank resets on July 1. Employees who are less than twelve (12) months do not earn vacation days. Employees may not use vacation days before they are accrued. Vacation time must be requested in advance and must receive approval from the immediate supervisor. A Vacation request sheet must be completed and turned into the Business and Finance department within three (3) days of the absence. Upon termination of the employment contract for any reason, the employee will be paid for the unused, up to 40 days (320 hours), Vacation days based on the employee's daily rate of pay.

Holidays for EAA of Michigan Employees:

New Year's Day
Martin Luther King Jr. Day
President's Day
Memorial Day
Fourth of July
Labor Day
Thanksgiving Day
Christmas Day

Employment Status Categories

It is the intent of the EAA of Michigan to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications are provided by the Fair Labor Standards Act of 1938 (FLSA). Each employee is designated as either NONEXEMPT or EXEMPT which is notated in the employee's offer letter or contract.

- **NONEXEMPT** – employees entitled to their regular wage/salary and if applicable, overtime pay under the specific provisions of the FLSA. Nonexempt employees at EAA of Michigan include, but are not limited to administrative assistants, building engineers, and maintenance staff.
- **EXEMPT** – employees excluded from specific provisions from minimum wage, equal pay and overtime pay requirements of the FLSA. Exempt employees at Education Achievement Authority of Michigan executive, administrative or professional employees, including teachers and academic administrative personnel.
An employee classification of EXEMPT or NONEXEMPT classification may be changed only upon written notification by the Chancellor, depending on job function and responsibilities.
- **REGULAR FULL-TIME** – employees who are not assigned to a probationary period and are regularly scheduled to work less than thirty (30) hours per week. While they receive all legally mandated benefits (such as Social Security, workers' compensation insurance and PSERS contributions), they are not eligible for all of EAA of Michigan's other benefit programs or holiday pay compensation.
- **PART TIME AND TEMPORARY** – employees who are not assigned to a probationary period and are regularly scheduled to work less than 30 hours per week. While they receive all legally mandated benefits (such as Social Security, workers; compensation insurance and PSERS contributions), they are not eligible for all of EAA of Michigan's other benefit programs or holiday pay compensation.

Employment of Minors

Employees under 18 years of age are prohibited by law from performing certain types of work such as machine operation, or any other activities, which might expose them to conditions, defined by the FLSA as hazardous to minors. Additional limitations apply to employment of persons under the age of 16. In no case may minors under the age of 14 be employed in the organization. Minors must earn at least minimum wage and should work no more than 8 hours per day (non-school day) or 3 hours per day (school day).

Job Posting/Hiring Procedures/Transfers

EAA of Michigan is committed to hiring a diverse workforce and the most qualified candidates who are aligned with our mission and values. When appropriate, EAA of Michigan will notify employees or available job openings and post the job openings for general public view. To apply for an internal transfer, follow the steps outlined below:

1. Speak with your current supervisor and/or principal about your desire to apply for a new position.

2. Email Director of Recruitment, with your interest to apply for a different position from your current position. Please confirm that you have spoken to your current supervisor.
3. Apply online for the position that you are interested in at www.michigan.gov/eas.
4. Recruitment and HR will speak with your current supervisor about your performance to date. Any candidates on an improvement plan will not be eligible for a position change.
5. If eligible to move forward in the position change process, you will interview and/or demo with members of the leadership team.
6. Recruitment with notified Candidates of their status.

Employment Documentation Requirements

In order to be employed by Education Achievement Authority of Michigan, either as a full time, part time, or temporary employee, all employees are required to submit the following documents in order to receive pay. These documents are administered to the employee before or at the time of hire. Any misrepresentations or falsifications of the information provided, or failure to submit any of the following forms may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

Required by all Education Achievement Authority of Michigan New Hires and Employees

Required Documentation
Personnel File
Personnel Action Form
IRS Form W-4
Immigration Services Form I-9 (w/copies of identification)
Direct Deposit Form and Voided Check
Criminal History Records Background Check
Completed TB Test

**In addition, timely updated contact information and other appropriate information must be submitted.*

Contracts and Offer Letters

Upon offer of employment, all full time or part time employees receive an offer letter which outlines official employment with the EAA of Michigan can only be finalized by the Board action.. The offer letter shall include the title of the position the employee will fill, job description, designation of supervisor and compensation Once the Chancellor has acquired approval by the the Board, a contract shall be provided to the new employee. Copies of both documents (offer letter and contract) will be maintained in the employee’s personnel file. If the employee’s title or job

description significantly changes, a new offer letter or contract will be produced to outline the new terms of employment; however, in the interim assigned duties are to be performed as assigned.

Work Hours

The work schedule for an employee will vary on job title, staffing needs, operational demands and may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week. Each employee should refer to their offer letter or contract for their designated work schedule. However, it is subject to change as needed by the supervisor. Full time employees work hours are considered eight or eight and half hours a day (including a thirty minute break) five days a week.

Federal and state laws require Education Achievement Authority of Michigan to keep an accurate record of time worked in order to calculate employee pay and benefits. Full-time employees are required to follow daily check in procedures that are provided by the department supervisor. Nonexempt employees should accurately record the time they begin and end their work on a time sheet. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Time sheets for NONEXEMPT and PART TIME employees are to be submitted to the department supervisor at the employee's assigned work location. Logging time in and out of work is to be done by employees for themselves only. Signing other employees in or out will result in discipline.

Overtime Provisions

Overtime compensation is paid to all NONEXEMPT employees in accordance with federal and state wage and hour restrictions. When operating requirements or other needs cannot be met during regular working hours, nonexempt employees will be given the opportunity to volunteer for overtime work assignments. Overtime pay is based on actual hours worked. Time off on personal leave, vacation leave or any leave of absence will not be considered hours worked for purposes of performing overtime calculations. Overtime is calculated as having worked more than 40 hours within one work week (not including lunch breaks). Overtime work must always be approved before it is performed.

Employee Request to Review Personnel Files

An official personnel file for each employee will be kept secured with the Human Resources Department. In addition to the employment documentation referenced above, all benefits enrollment forms; proof of dependent eligibility; contracts and/or offer letters; evaluations or performance reviews; educational transcripts; degrees or certification; and application materials will be kept in this file. Employees may have access to their file (except for confidential letters of reference) at a reasonable time during business hours by submitting a written (email) request in advance to the Human Resources Department.

Release of personnel file information to anyone other than the employee would be executed only through a federal, state, or local court order; an employee signed release or on a "need to know" basis as determined by the Director of Human Resources. Personnel files are the property of the EAA of Michigan and may not be removed from the EAA of Michigan without written

authorization from the Director of HR. Education Achievement Authority of Michigan will maintain a physical personnel record for the five (5) years required by law.

Changes in Personal Data

The information in the employee's personnel file is permanent and confidential, and must be kept up to date. The employee should inform the EAA of Michigan immediately, whenever there are changes in personal data such as address, telephone number, direct deposit information, marital status, changes in number of dependents, and emergency contact information. This information should be provided directly to the Human Resources Department.

Payroll Period, Pay Dates, Direct Deposit

Education Achievement Authority of Michigan pays employees on a monthly schedule (12 pays per fiscal year). Pay dates are the last Friday of every pay period. For a more specific and updated pay schedule, please contact the Human Resources Department. Education Achievement Authority of Michigan requires all employees to participate in direct deposit for payroll purposes.

Payroll and Tax Deductions

The amount of tax deductions depends on the employee's income level, marital status and number of allowances the employee claims on the W-4 form. Deductions from an employee's gross pay period earnings are of two types: mandatory and voluntary. Mandatory deductions are those required by federal or state law or court order. Education Achievement Authority of Michigan is required by law to make the following deductions from an employee's check:

Mandatory Deductions
Federal Income Tax
Michigan State Income Tax
Medicare
Detroit Local Income Tax
Social Security Tax

Voluntary deductions are those requested by the employees to be made on their behalf and may include contributions towards health insurance premiums, tax-sheltered annuities, etc. Voluntary deductions will not be made without the employee's written request or authorization.

4370 Employee Leave Procedures

Family and Medical Leave (FMLA)

In accordance with federal law, Education Achievement Authority of Michigan offers up to twelve (12) weeks of unpaid leave during any 12-month period for eligible employees for:

- the birth of a child and to care for the newborn child within one year of birth;

- the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- to care for the employee's spouse, child or parent who has a serious health condition;
- a serious health condition that makes the employee unable to perform the essential functions of his or her job;
- any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" or
- Twenty-six (26) workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness who is the spouse, son, daughter, parent, or next of kin to the employee (military caregiver leave).

**To be eligible for family and medical leave, an employee must have worked for Education Achievement Authority of Michigan for at least 365 days, amongst other requirements as provided by law.*

Under the federal act, an eligible employee can take up to twelve (12) weeks of leave during any 12-month period. Education Achievement Authority of Michigan will measure the 12-week (or 26-week) period backward from the 1st date an employee uses any leave under this policy. Each time an employee takes leave, the amount of leave will be subtracted from the 12 (or 26) weeks of available leave, and the balance remaining will be the amount the employee is entitled to take. Please note that periods of Pregnancy Leave and Parental Leave count against an employee's 12 (or 26) weeks of FMLA leave entitlement.

If the request for family or medical leave is foreseeable, the employee should, whenever possible, provide Human Resources Manager and supervisor at least thirty (30) days advanced written notice as to the date when it is expected leave will be required. If the employee cannot provide at least thirty- days' (30) notice the employee should provide as much notice as practicable.

In addition, for requests for leave because of the employee's own serious health condition that will exceed one (1) week, employees must provide a certification from a licensed health care provider regarding:

1. the date on which the employee's serious health condition commenced;
2. the probable duration of the condition;
3. a statement that the employee is unable to perform the functions of the employee's position.

If requested, such a certification must be provided for leave of less than one (1) week. Please note that periods of Short Term Disability Leave count against an employee's time of FMLA leave entitlement.

All requests for leave to care for a family member with a serious health condition must be accompanied by a certification from a licensed health care provider which specifies:

1. the date on which the family member's serious health condition commenced;
2. the probable duration of the condition;

3. an estimate of the amount of time the employee will need to care for the ailing family member.

Additional information may be required. Certification forms to support a request for family and medical leave are available from Human Resources. EAA of Michigan may require a further medical opinion as allowed by applicable law. Medical information provided to EAA of Michigan by an employee seeking medical or family leave will be treated with appropriate confidentiality. Family and medical leave is generally taken in consecutive weeks (up to the applicable time).

Medical leave for an employee’s serious health condition or to care for a family member with a serious health condition may be taken intermittently or in a reduced leave schedule if medically necessary; in all other situations, medical or family leave may not be taken intermittently or on a reduced leave schedule unless agreed to by EAA. When approved leave is intermittent or on a reduced leave schedule, the employee may be placed temporarily in an alternative assignment that better accommodates the need for such leave.

Employees are required to use all accrued paid vacation and personal/sick time during FMLA leave. Upon return from FMLA leave, employees who are eligible for restoration will be returned to the same or equivalent job with equivalent pay and benefits. While on leave, employees will continue to receive health benefits at the same level and under the same conditions as if the employee had continued to work (which means that the employee must continue to pay any premiums or portions of premiums due)

Example of FMLA Maternity Approved Pay (case by case basis)*

Week	Short Term Disability Pay	Education Achievement Authority of Michigan Pay
1	0%	100%
2	60%	0%
3	60%	0%
4	60%	0%
5	60%	0%
6	60%	0%
7	0%	Unused Vacation/Personal Days
8	0%	Unused Vacation/Personal Days
9	0%	0%
10	0%	0%
11	0%	0%
12	0%	0%

**Payable weeks are subject to adjustment depending on the leave scenario. These times are dependent upon approval from the disability administrating company.*

Parental and Pregnancy Leave

In addition to FMLA leave, all Employees who have worked with EAA of Michigan for at least ninety (90) days are eligible to take up to five (5) days paid leave immediately after the birth or

adoption of a child. This paid leave can be used in addition to the employee's accrued sick and vacation leave, which need not be taken first.

For employees who are also eligible for FMLA leave, any period of parental leave shall count towards the employees' FMLA entitlement of twelve (12) weeks (see above). Subject to the terms, conditions, and limitations of the applicable plans, EAA of Michigan will continue to provide health insurance benefits for the full period of the approved family leave.

Bereavement Leave

Employees who wish to take time off for bereavement due to the death of an immediately family member should notify their supervisor immediately. EAA of Michigan defines "immediate family member" as the employee's spouse or domestic partner, parent, child, or sibling. Up to three (3) days of paid bereavement leave for an immediately family member may be provided to all employees the week following the death. Employees may, with their supervisor's approval, use any available paid leave for additional time off as necessary. Bereavement leave will normally be granted unless there are unusual business needs or staffing requirements. Bereavement leave will not be deducted from the employee's accrued personal or vacation time.

Military Duty

A military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). If an employee is a member of the Reserve Corps of the U.S. Armed Forces or the state National Guard, the employee is eligible to take a military leave of absence without pay if required to go on active duty or active duty training. However, employees may use any available paid time off for the absence. To help EAA of Michigan cover the position while the employee is on leave, the employee must notify the supervisor and the Human Resources Department of the expected date of departure and, where possible, the employee's return as soon as orders are received. If the employee is returning from active duty, the employee must apply for reinstatement within thirty-one (31) days after being released from military duty or that employee will be considered to have resigned.

Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible. Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

Jury Duty

EAA of Michigan encourages employees to fulfill their civic responsibilities by serving jury duty when required. All regular staff members will be paid the regular salary. Employees must show the

jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Of course, employees are expected to report for work whenever the court schedule permits. Time off for jury duty does not count against an employee's accrued sick/personal or vacation time banks. If your jury duty is more than five (5) consecutive days, you should work with Human Resources to arrange your work schedule and upcoming payroll.

Approved: _____

LEGAL REF: 29 CFR 825.200 (Family and Medical Leave Act of 1993)

4410 Professional Staff Contracts

The employment of teachers shall be secured through written contracts. The Chancellor is authorized to sign teacher contracts as the official representative on behalf of the Board.

Approved: _____

LEGAL REF: MCL 380.1224; 380.1231

4430 Hiring

The Board has the legal responsibility of approving the staffing levels for all categories of EAA of Michigan personnel for Direct Run schools.

Approved: _____

LEGAL REF: MCL 380.601(a) (1) (d), MCL 380.1229 and MCL 380.1231

4540 Discipline and/or Termination of Professional Staff

The EAA of Michigan may discipline, suspend and/or terminate an employees—upon recommendation by the Chancellor pursuant to the Michigan Teacher Tenure's Act and other relevant Michigan and Federal laws.

Whenever it is necessary to implement discipline, up to and including termination of an employee, the Chancellor or designee, shall use due-process procedures. The due process procedures shall include an investigation, providing the employee with reasonable notice and an opportunity to respond. The Chancellor or his/her designee shall make written recommendations to the EAA Executive Committee concerning an employee who in his/her judgment should be considered for dismissal. The EAA of Michigan shall not adopt, implement, or maintain a policy for discipline/suspension and/or termination of a professional employee that includes a standard for discipline that is different than the arbitrary and capricious standard. Nevertheless, pursuant to the Michigan Teacher Tenure's Act, the above provisions do not apply to a teacher who is in a probationary period who may be dismissed from his/her employment by the controlling board of the EAA of Michigan at any time.

The Chancellor is authorized by the EAA Executive Committee to suspend from active duty any teacher against whom formal charges are anticipated being filed or have already been filed, until a decision is rendered or unless the EAA Executive Committee acts to reinstate said teacher.

EAA of Michigan employees and those under contract to work regularly and continuously in the schools, whether part-time or full-time, may not continue employment with the EAA of Michigan if a criminal history records check or other authoritative source reveals a conviction of a “listed” offense under MCLA 28.722.

Individuals convicted of a non-listed felony may not continue to work without written approval of the Chancellor and the EAA Executive Committee. Such conviction may subject professional staff to discharge or demotion of a teacher on continuing tenure. The State Board of Education will be notified of the report of conviction as required by law.

Reporting Crimes and Convictions:

All EAA of Michigan’s employees shall disclose criminal charges or convictions to the Chancellor as prescribed by law. Failure to report being charged or convicted of a crime may result in immediate termination of employment.

Notice shall be provided to all employees and contractors of the duty to report criminal charges and convictions.

Approved: _____

LEGAL REF: MCL 38.71-121; 380.1229; 380.1230; 380.1230a;
380.1230b; 380.1230cd; 380.1535a; 380.1539b; 28.722; 423.215(3)(m); 38.81(2);
38.101(1)

4560 Resignation of Professional Staff

Resignation: Teachers and administrators may resign by giving written notice to the Chancellor at least sixty (60) days prior to the first day of the employee’s new contract year.

In instances where a teacher or administrator wishes to leave on shorter notice, the Chancellor may permit an earlier release on condition that satisfactory arrangements can be made for replacement. The Chancellor’s decision in such matters shall be final. “At will” employees may resign at any time.

Once a resignation is tendered to the Chancellor, and has been accepted, in writing, by the Chancellor, that resignation shall be considered final.

The Chancellor or his/her designee, may develop procedures for an “exit interview” of all employees who will not be returning to the EAA of Michigan.

Approved: _____

LEGAL REF: MCL 38.71-121

4640 Non-School Employment – Certified Staff

Certified employees shall not be permitted to engage in outside employment that, by its nature or duration, will impair the effectiveness of their instructional service, adversely affect their professional status, and affect detrimentally on the EAA of Michigan. All members of the Chancellor’s cabinet must have prior written consent from the Chancellor to engage in any outside employment activities.

Approved: _____

4645 Consulting

EAA Employees may be excused by the Chancellor to perform technical or instructional services as consultants to other agencies.

Approved: _____

4710 Compensation Guides and Contracts - Non-Certified Staff

Definition: “Non-certified staff” shall be defined as all employees who are not required or expected to hold teacher certification or other professional licensure, nor required to complete the renewal hour requirements of state law for teachers or administrators. This classification shall include, by example, but not limitation: Teacher aides/assistants, Secretarial and clerical staff, transportation staff, maintenance staff, building and grounds staff, security personnel, paraprofessionals, custodial staff, and information technology staff.

Pay Rates: Non-certified staff shall be paid according to pay rates established by the negotiated master contract (salary schedule) and/or as the Board establishes.

No public funds will be spent by the Board in the form of wages or salary for any school employee to sponsor any religious activity. No public funds will be spent by the Board to pay any expenses of any student or school employee to attend any religious activity or conference.

Approved: _____

4715 Fair Labor Standards Act Compliance

The Chancellor shall establish administrative rules, regulations, and procedures that are necessary to keep the EAA of Michigan in compliance with the Fair Labor Standards Act of 1938, as amended, and the federal regulations pertaining thereto.

Approved: _____

LEGAL REF: 29 U.S.C. 201, et seq., the Fair Labor Standards Act of 1938.

4730 Multiracial Understanding

The EAA of Michigan strives to create and maintain an atmosphere of mutual understanding and respect among students, employees, and the public. This will be reflected through all its programs and practices that shall actively promote cultural awareness, inter-group relations, and the understanding of racial and ethnic groups within the EAA of Michigan.

Approved: _____

4860 Reduction of Non-Certified Staff

When reduction of non-certified staff is necessary, the EAA of Michigan shall make personnel decisions based on student, programmatic, and curricular educational needs as determined by the Chancellor and pursuant to the Revised School Code, and the Public Employment Relations Act.

The EAA of Michigan shall not adopt or implement a policy that provides that length of service or tenure status is the primary or determining factor in personnel decisions related to reduction of non-certified staff.

The EAA of Michigan shall adopt and implement a policy to ensure that all personnel decisions related to reduction of non-certified staff are based on the educational needs as determined by the Chancellor. Accordingly, the Chancellor has sole discretion in staff reduction and staff placement. The Chancellor may consider an employee's effectiveness as measured by the EAA's performance evaluation system in making a personnel decision related to non-certified staff reduction. Additionally, the Chancellor may consider the length of service of employees' when their effectiveness ratings and qualifications are identical regarding reduction of staff.

MCL 423.215 et seq.

Approved: _____

4870 Staff Reductions/Recalls

It is the policy of the Board that all personnel decisions shall be based on retaining effective teachers in situations involving a staffing or program reduction or any other personnel decision resulting in the elimination of a position, as well as for hiring after such reductions/position eliminations or recall to vacant positions. Length of service or tenure status may only be considered by the administration when all of the factors, as listed below, are considered equal amongst the potentially affected others.

The effectiveness of teachers shall be measured in accordance with the District's performance evaluation system developed under Section 1249 of the Revised School Code, and the personnel decisions shall be based on the following factors:

- A. Individual performance shall be the majority factor in making the decision, and shall consist of but is not limited to all of the following:
 - 1. Evidence of student growth, which shall be the predominant factor in assessing an employee's individual performance.
 - 2. The teacher's demonstrated pedagogical skills, including at least a special determination concerning the teacher's knowledge of his or her subject area and the ability to impart that knowledge through planning, delivering rigorous content, checking for and building a higher-level understanding, differentiating, and managing a classroom; and consistent preparation to maximize instructional time.
 - 3. The teacher's management of the classroom, manner and efficacy of disciplining students, rapport with parents/guardians and other teachers, and ability to withstand the strain of teaching.
 - 4. The teacher's attendance and disciplinary record, if any.
- B. Significant, relevant accomplishments and contributions. This factor shall be based on whether the individual contributes to overall performance of the school by making clear, significant, relevant contributions above the normal expectations for an individual in his or her peer group and having demonstrated a record of exceptional performance.
- C. Relevant special training. This factor shall be based on completion of relevant training other than the professional development or continuing education that is required by the employer or by state law, and integration of that training into instruction in a meaningful way.

A teacher who has been rated as "ineffective" under the performance evaluation system shall not be given any preference that would result in the teacher being retained over a teacher who is evaluated as "minimally effective," "effective" or "highly effective" under the performance evaluation system.

Approved: _____

LEGAL REF: PA 102; MCL 380.1248, 380.1249

4935 Communicable Diseases - Staff and Students

In order to minimize the spread of contagious diseases among students and employees, the EAA of Michigan will cooperate, fully, with the appropriate county health department to enforce adherence to the Michigan Health Code for the prevention, control, and containment of communicable diseases.

A decision to close schools due to communicable disease outbreaks shall be made by the Chancellor, or designee, in consultation with the appropriate county health department medical staff and/or for review to the review team.

A student or employee with or carrying a communicable and/or chronic infectious disease has all rights, privileges, and services provided by law and the EAA of Michigan's policies.

Approved: _____

LEGAL REF: MCL 333.5111; 333.5131; Family Educational Rights and Privacy Act of 1974, MDE Bulletin, September 23, 1999

4950 Public Gifts and Bequests

Gifts to Education Achievement Authority of Michigan Employees

EAA of Michigan employees are prohibited from receiving gifts of substantial economic value from vendors, salespersons, or other such representatives which could be viewed as improper influence. Because of the potential for abuse, the giving or receiving of gifts between faculty or staff and students should be discouraged.

Gifts to Schools:

Any organization or individual wishing to make a gift to the EAA of Michigan must have the prior approval of the EAA of Michigan. All gifts will be regarded as gifts to the EAA of Michigan. The EAA of Michigan, in general, will not accept gifts with conditions attached, except as otherwise noted in statute.

Donors shall be officially thanked, in writing, by the EAA of Michigan and all gifts shall be publicly acknowledged, if the donor desires.

Income from Gifts and Bequests

Income derived from gifts and bequests shall be credited, if possible, to the fund requested by the donor. If the request of the donor cannot be fulfilled, the gift or bequest shall be deposited in the capital fund of the EAA of Michigan or any other fund specified by the Education Achievement Authority of Michigan.

Gifts by EAA of Michigan Employees: EAA of Michigan employees are discouraged from giving gifts to any student or class of students when such gifts arise out of a school situation, class, or school-sponsored activity unless approved by the Chancellor.

4970 Student Teaching and Internships

The EAA of Michigan may consider the use of student teachers and interns in classes and programs maintained by the EAA of Michigan upon conclusion of a written contract with Area College and Universities.

Approved _____

SECTION 5000 – TEACHING AND LEARNING

- 5050 Curriculum Development
- 5060 Curriculum Frameworks
- 5110 Program of Study
- 5115 Technology
- 5120 Curriculum Resources and Materials
- 5140 Evaluation of Instructional Program
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- 5160 Exceptional Education
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- 5225 Transfer of Credit
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- 5365 Reinvention and Transformation of EAA of Michigan Schools
- 5375 Parent/Guardian Involvement Policy
- 5380 Schools of Choice
- 5460 Awards and Scholarships
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- 5620 Foreign Exchange Students
- 5700 Accreditation

5050 Curriculum Development

The EAA of Michigan, in cooperation with staff, parents, students and other stakeholders, shall develop comprehensive Pre-K-12 curricula aligned to state, national, and international standards, reviewed on an annual basis, based on valid educational research and best practice. The curricula shall encompass an interdisciplinary approach and philosophy of education compatible with the individual and diverse needs of learners with the expectation that all students will complete their secondary school experience - college, career and workforce ready.

5060 Curriculum Frameworks

Every course offered in EAA of Michigan member schools shall have a curriculum framework with defined learning targets which have been developed in alignment with state, national and international standards and the mission and goals of the EAA of Michigan. The teaching and assessment of students shall align with approved curriculum frameworks. All schools, regardless

of portfolio status, shall be required to teach at a minimum the prescribed course(s) of study. While the EAA of Michigan reserves the right to, prescribe the curriculum (what is to be taught), autonomous schools will be give the flexibility to determine how content is to be taught.

Approved: _____

LEGAL REF: MCL 380.1282

5110 Program of Study

The EAA of Michigan shall utilize a system of instructional delivery focused on a student-centered paradigm of education. This paradigm shift moves the EAA of Michigan away from a monolithic, one-size fits all approach to public schooling no longer appropriate for 21st Century learners. Instruction, assessments and support systems are transformed to foster a culture where students, with necessary support, assume responsibility for their learning. The EAA of Michigan shall eliminate teaching and learning that is based upon a premise of seat time and provides students and teachers the flexibility and resources needed to master prescribed learning targets necessary for them to complete their secondary school experience - college, career and workforce ready.

The core program of study in the EAA of Michigan's member schools will draw from language arts, world languages, mathematics, social studies, science, and technology. The EAA of Michigan's administrative and professional teaching staff recognizes the vital importance the arts play in the total development of students. In addition, it is recognized that health and physical education share equal importance in a child's physical, social and emotional development. As such, these courses will be included, via an interdisciplinary approach to teaching and learning. Additional elective courses will draw from the arts, health and physical education, media instruction, and life skills.

The primary goal of the EAA of Michigan is to educate all students ensuring they complete their Pk-12 experience college, career and workforce ready. College preparedness may not always equate to a student's choice for actual enrollment; therefore, students enrolled in the EAA of Michigan's member schools shall be afforded a rigorous academic foundation and viable alternative pathways to 21st Century career opportunities. A primary focus of career and technical education, in the new age of learning, prepares students to create employment rather than just seek it. EAA of Michigan member school's career and technical education programs blend science, technology, engineering, math, and computer technology to assure students acquire *Work key* skills and entrepreneurial innovation for the 21st Century.

Education in the areas of health, sex education, and character education may be provided and should follow guidelines established under state and federal regulations until such time as a waiver is requested and approved for any alternative programming in these areas.

Teachers may teach about religion, religious literature and history so long as the instruction strictly adheres to the doctrine of separation of church and state.

Approved: _____

LEGAL REF: MCL 380.1217

The *Program of Study* for each member school will be included in each school's handbook. The addition of new courses or removal of courses will be approved for Direct-Run schools by the Chancellor in advance of the school year in which the course changes are to become operative. All Michigan guidelines should be followed until such time as a waiver has been requested and granted for an alternative program of study.

5115 Technology

The EAA of Michigan, through its initiative to transform public schooling for the Persistently Lowest Achieving (PLA) schools, requires a blended learning environment which includes the use of computers, tablets, cell phones, mobile devices, and other related technology to re-invent teaching and learning. The use of technology shall significantly increase the opportunity for the expansion of student reasoning and analytical thinking skills. Additionally, technology shall improve the management and delivery of instruction to all students based on their individualized and diverse needs. Instructional tools to enhance the curricular offerings of the EAA of Michigan's member schools include a dynamic integrated learning platform which supports the development of learning maps via a wide range of curricular resources, formative assessments and individualized learning plans.

- The Chancellor or his/her designee shall develop a technology plan that coordinates the purchase of technology for the EAA of Michigan. The plan shall provide for equipment, software and future applications and updates.
- The Chancellor or his/her designee shall provide for appropriate professional development on the utilization of technology and software relative to the instructional program and administrative applications. This professional development will be required for all staff.

The EAA of Michigan shall prepare its annual budget to reflect that the vast majority of human and financial resources are being allocated to its member schools. As such, the responsibility for the acquisition and utilization of technology as well as fulfilling any other minimum mandate of the SOP shall be the sole responsibility of the EAA member schools.

5120 Curriculum Resources and Materials

The approved curricula will be aligned with a wide variety of instructional materials, methods and digital assets to positively facilitate 21st Century teaching and learning. All media will be selected and used based on its relevance to the curricula and its ability to aid in the transformation and re-invention of public schooling for EAA of Michigan's member school. Teachers are encouraged and expected to develop, use, and maintain a relevant and up-to-date core of both open source and proprietary resource materials in order to differentiate instruction and effectuate individualized student learning plans.

EAA of Michigan schools that have achieved a status of "Managed Performance Empowerment" have earned the autonomy to supplement and customize curricula and supporting resources

provided such changes are designed to ensure that all students achieve mastery of the identified state, national and international standards upon which student growth shall be measured. The Chancellor or his/her designee shall develop administrative rules outlining a procedure to select major curriculum resources that meet the above criteria. This process shall include a review of available material by staff and appropriate stakeholders.

5130 Instructional Delivery

The teaching and learning environment of the EAA of Michigan will promote culturally relevant pedagogy. The environment shall foster a culture that reflect global and cultural traditions of a myriad of ethnicities that allow students to develop a broader perspective, a sense of respect, tolerance, and an understanding of the customs, legacies and contributions made by diverse groups regardless of gender or sexual orientation, race, color, national origin, religion, height, weight, marital status, handicap, age, or disability.

Schools are encouraged to explore the complete range of instructional delivery models which support the EAA of Michigan's student-centered system including blended learning, distance learning, online/virtual learning and other models which ensure individualized instruction for students.

Approved: _____

LEGAL REF: MCL 380.1507

5140 Evaluation of Instructional Program

The evaluation of the curriculum and related services of the EAA of Michigan is an on-going process. The Chancellor or his/her designee shall develop guidelines to evaluate the instructional program on an annual basis.

Approved: _____

LEGAL REF: MCL 380.1282

5160 Exceptional Education Programs

EAA of Michigan's students with special needs shall be educated in their least restrictive environment. When appropriate programs, services, or facilities are not possible within the Education Achievement Authority's member schools, the EAA shall provide these students with access to schools where such instruction and accommodations are available.

Administrative responsibility for special education programs in the EAA shall be the responsibility of the Chancellor who shall outsource or work closely with the appropriate Regional Service Education Agency (RESA).

Approved: _____

LEGAL REF: 20 USCA §1400 (Individuals with Disabilities Education Act [IDEA]); 29 USCA §794, et seq. (Rehabilitation Act of 1973); 42 USCA §12115; 28 CFR §1601.30 (Americans with Disabilities Act); MCL 380.4(2), 380.6(7); 380.1311; 380.1702; 380.1703; 380.1711; 380.1751; 380.1766; R 340.1701-1873

5165 Field Trips

Field trips are encouraged and shall be directly aligned to the instructional program and desired educational outcomes as reflected by it. All trips to foreign countries are to be approved at least six months in advance of the trip by the Chancellor. The recommendation shall take into account any foreign travel warnings or cautions of the U. S. Department of State. In addition, before making any recommendation, the Chancellor may seek advice concerning overnight or foreign travel from the EAA of Michigan legal counsel and insurance carrier. The Chancellor shall develop rules and regulations regarding educational field trips.

Approved: _____

LEGAL REF: MCL 380.1321-1332; R 340.241-243

5170 Grading

The EAA of Michigan will utilize a standards-based grading system. Students will be evaluated based on performance and demonstrated mastery of skills via multiple assessments that demonstrate measureable growth in student learning. Where applicable, grades and/or credits will be based on mastery rather than seat-time. The Chancellor shall be responsible for the transformation of EAA of Michigan member schools and will promote a culture where learning is the constant, time the variable and students the focus.

Full details of the each EAA member school's grading system shall be published in the appropriate faculty and student handbooks.

5170 Assessment Program

The EAA of Michigan will deliver a comprehensive assessment system to include diagnostic, formative and summative assessments, required by all member schools, designed to evaluate student growth and outcomes of the educational program. It will provide information needed to ensure that each student is on a path to complete their Pk-12 experience college, career and workforce ready.

The EAA will support a culture of continuous improvement. There will be a strong emphasis on formative assessment and responsiveness to students' needs. Skills will be assessed in multiple contexts and multiple ways.

- Formative student assessment methods will use a variety of criteria-based strategies including: written and/or oral examinations, alternative questions, demonstrations, writing exercises, individual projects, group projects, performances, student portfolios, and samples of student's best works.
- Summative assessments will be adaptive and timely. The EAA of Michigan will seek support to ensure that tests occur at the time that students complete the material being tested.

Test selection and adoption for purposes of accountability and key performance indicators will be approved by the Chancellor and shall be consistent across all EAA of Michigan member schools.

Each building Principal in cooperation with the guidance staff shall schedule individual and group testing during appropriate testing windows, which will not disrupt the educational decorum of the school.

The EAA of Michigan will develop an annual testing calendar and will maintain a handbook on testing policies and procedures based on the annual assessment calendar. All staff involved in administering such assessments will receive professional development on an annual basis.

Use of Data

All schools, regardless of status, are required to collect, disaggregate, analyze and interpret student performance and other school related data for the purpose of making data driven and informed decisions relative to continuous school improvement. Schools shall be required to, in a spirit of cooperation, engage in data reviews teacher by teacher, classroom by classroom, student by student, in order to inform practice, school improvement and to significantly increase measureable student performance outcomes.

5180 Promotion and Retention

The EAA of Michigan shall utilize a system of instructional delivery focused on a student-centered paradigm of education. This paradigm shift moves the EAA of Michigan away from a monolithic, one-size fits all approach to public schooling no longer appropriate for 21st Century learners. Instruction, assessments and support systems are transformed to foster a culture where students assume responsibility for their learning. The EAA of Michigan shall eliminate teaching and learning that is based upon a premise of seat time and provides students the flexibility and resources needed to master prescribed learning targets necessary for them to complete their secondary school experience - college, career and workforce ready.

The EAA of Michigan will move away from a totally time-based system to a student-centered system based on mastery of content. There will be multiple ways for a student to gain credit, not

limited to seat time, demonstration of proficiency, credit advancement, competency-based assessments (i.e. flexible credits).

- Flexibility will be allowed for when and where learning occurs. Learning will be encouraged to take place outside of the classroom and appropriate credit will be awarded as such.
- Students will have flexibility as to when they complete a course and when they begin another course.
- Students will advance to higher levels work based upon demonstration of mastery not age or time.
- Testing Out: A student who desires to receive credit for a high school course without enrolling in the course may do so by demonstrating mastery for identified targeted skills of at least 80 percent. Successfully attained credit under this policy will earn a grade of “pass” and shall not be used in computations of grade point average nor counted toward the total required credits for graduation. Credit may be used to fulfill prerequisites for other courses and/or subject area credit requirements for graduation. The high school Principal shall establish rules for implementing this policy in cooperation with the Chancellor, and shall be responsible for ensuring that all high school courses include one or more appropriate comprehensive exam(s) or other assessment.

Approved: _____

LEGAL REF: MCL 380.1172; 380.1204a; 380.1278; 380.1279; 380.1279b; 380.1279c; R 340.1101-1107; OAG, 1983-1984, No 6148, p 107 (April 15, 1983)

5190 Federal Program Administration

Federally funded programs are a vital and necessary adjunct to the educational program of the EAA of Michigan’s schools. The EAA of Michigan shall ensure that the Title I programs operate in accordance with federal laws and conditions. The Chancellor or his/her designee is responsible for administering the Title I programs; assessing the educational needs of all students, particularly the needs of educationally deprived children, developing appropriate communication channels between all parties, developing in-service training for parent(s)/guardian(s) and staff, and developing appropriate evaluation procedures. The requirements of the No Child Left Behind Act shall be followed, and rules and regulations established to ensure that the EAA of Michigan is in compliance.

Approved: _____

LEGAL REF: 20 USCA 6316, 20 USCA 6318 (No Child Left Behind Act)

5225 Transfer of Credit

Schools of the EAA of Michigan shall accept as transfer credit coursework successfully completed at a school accredited by the North Central Association of Colleges and Schools, the Michigan Association of Non-Public Schools, the Independent Schools Association of the Central States, or recognized state or regional accrediting agency of comparable standards, or coursework successfully completed at an accredited post-secondary institution.

In core academic disciplines, particularly disciplines like mathematics which are sequential in nature, the school administration may make use of transcripts, grades, previous teacher recommendations, course descriptions, standardized tests, and/or a placement or proficiency test to recommend or determine course placement for a transferring student.

5235 Transfer from Home Schooling or Other Institutions

Decisions regarding acceptance of credit or grade level placement of students transferring from a home school or a school not meeting the standards of the major regional accrediting agencies listed above shall be made by school officials based on appropriate benchmark assessments. School officials shall consult with the parent(s)/guardian(s) as well as interview the student prior to making a decision.

In core academic disciplines, transfer of credit from a home school or institution, which is not accredited or accredited by an agency not meeting the above standards, may be contingent on the student demonstrating proficiency in the material through successful completion of a comprehensive final exam and/or other culminating exercise. Successful completion of a higher-level course in a sequential discipline may be used to establish proficiency.

Transfer of credit in a non-core area may be accorded when the course is in line with the program of study in the EAA and is consistent with the content and expectations of similar Education Achievement Authority courses.

The student's subsequent grade placement and the decision to deny credits by any member school may be appealed to the Chancellor by the student or his/her parent(s)/guardian(s).

The Chancellor shall establish rules and guidelines for the application of this policy in conjunction with building administrators and academic departments.

Approved: _____

5235 Alternative Credit Options

Virtual/Online Courses

High school students may earn academic credit to be applied toward graduation requirements by completing online courses offered through EAA of Michigan member schools and/or agencies approved by the Chancellor, such as the Michigan Virtual High School.

The express approval of the Principal of the member school shall be obtained before a current student enrolls in a virtual course. The school must receive an official record of the final grade before credit toward graduation will be recognized. Through its policies and/or supervision plan, each EAA of Michigan member school shall be responsible for providing appropriate supervision and monitoring of students taking virtual courses.

Approved:

5340 Student Early College and Dual Enrollment Participation

Early College and Dual Credit: This shall apply to EAA of Michigan students who have met the minimum requirements, as defined by the Chancellor or his/her designee, for admission to the early college program. The EAA of Michigan will partner with community colleges and universities to offer an early college experience where students may earn dual credit or the equivalent of two years of college or the Associate's degree.

EAA of Michigan students who are accepted for university or college entrance prior to completing all high school graduation requirements may be granted a high school diploma if the following conditions are met:

- Satisfactory completion of sufficient college courses which may be substituted for required or elective courses for which high school credit shall be earned in order to meet the high school graduation requirements.
- The diploma shall not be granted until all of the above conditions have been met. The Chancellor shall be responsible for developing procedures and criteria to implement this policy.

Approved: _____

LEGAL REF: MCL 380.1282 MCL 388.513, 388.514, 388.1621b

5360 Graduation Requirements

The EAA of Michigan may adopt graduation requirements beyond the minimums set forth by the State Board of Education. Minimum graduation requirements for all member schools will be adopted by the EAA of Michigan and included in the Programs of Study.

Approved: _____

LEGAL REF: MCL 380.1282; Immediato by Immediato v. Rye Neck School Dist., 873 F.Supp. 846 (S.D.N.Y. 1995), aff'd 73 F.3d 454 (2d Cir. 1996), cert. Denied, 117 S.Ct. 60 (1996)28

The primary goal of the EAA of Michigan is to educate all students ensuring they complete their Pk-12 experience college, career and workforce ready. College preparedness may not always equate to a student's choice for actual enrollment; therefore, students enrolled in the EAA of Michigan's member schools shall be afforded a rigorous academic foundation and viable alternative pathways to 21st Century career opportunities. A primary focus of career and technical education, in the new age of learning, prepares students to create employment rather than just seek it. EAA of Michigan member school's career and technical education programs blend science, technology, engineering, math, and computer technology to assure students acquire *Work Key* skills and entrepreneurial innovation for the 21st Century. Aligned to state, national and international standards, the baseline program of study in the Education Achievement Authority of Michigan's secondary learning centers is comprised of the following subject areas:

Topics of Study	Course Completion Requirements (CCRs)
English Language Arts	4 CCRs
Mathematics	4 CCRs
Science	4 CCRs
Social Sciences	4 CCRs
World Languages	2 CCRs
Visual, Performing or Applied Arts	1 CCR
Health and Physical Education	1 CCR (Health) 1 CCR (Physical Education)
Computer Technology	1 CCR
Career, Technical and Entrepreneurial Innovation	3 CCRs
Supplemental Course Completion Requirements	3CCRs
Total	28 Course Completion Requirements

* Course Completion Requirements (CCRs) are based on mastery of content as defined within the student centered learning approach rather than the acquisition of Carnegie Unit credit based on seat time.

5365 Reinvention and Transformation of EAA Schools

The EAA of Michigan supports the reinvention and transformation of EAA of Michigan member schools for the purpose of attaining higher educational achievement levels for EAA of Michigan students

- School Reinvention and Transformation Teams (SRTs): The chancellor authorizes the formation of SRTs on site at each member school within the EAA of Michigan.

- Each local School Reinvention and Transformation Team shall be comprised of a number of persons as each SRT determines. The Chancellor or his/her designee shall be an ex officio member of each local SRT.

The purpose of each School Reinvention and Transformation Team shall be to establish goals for the school and to oversee the programs and activities leading toward the attainment of those goals. The goals established by the SRT shall be compatible with the EAA of Michigan mission statement and goals

Meetings: Each local SRT shall meet at least monthly, transcribe minutes of each meeting, and keep a record of the minutes, roll of attendance, and meeting agendas. These items shall be posted on the local member school's webpage in the Parent/Community involvement section within 48 hours of the meeting.

Review: At least twice yearly, each local s School Reinvention and Transformation Committees shall submit to the Chancellor a report detailing the progress toward attainment of its goals.

Individual local School Reinvention and Transformation Committees may coordinate programs and projects with other schools in the EAA of Michigan, and the intermediate Education Achievement Authority.

Approved: _____

LEGAL REF: MCL 380.1204a; 380.1

5370 Public School Academies

The EAA of Michigan is committed to grant charters to quality Public School Academies ("PSAs") to serve an important function by providing alternative, engaging, and appropriate educational opportunities for students with varied learning styles, skills and interests. Paramount to this initiative are factors the EAA of Michigan considers essential for PSAs, including a commitment to foster diversity in student enrollment, staffing, learning environment, integration of technology, educational focus and reliance on parent and community resources.

Applications must have clearly defined educational goals supported by curriculum, instruction, assessment, family and community involvement, social and career development. Sufficient financial resources and sound fiscal management plan to support staffing and general operations must be included. Safeguards must be indentified to ensure that competent administrators and instructional staff are recruited and maintained to achieve stated goals.

The Chancellor shall review charter applicant materials to determine whether they meet the EAA's quality control standards. The Chancellor has authority to approve authorization of an applicant as a Public School Academy. The Chancellor shall report his/her decision to authorize a Public School Academy at the Executive Committee meeting immediately following his/her decision.

Any PSA seeking renewal of its contract must submit its request in writing, an activity summary report and supporting documentation of accomplishments to the Chancellor. The Chancellor may approve the request for the contract renewal for a period of one year.

Approved: _____

LEGAL REF: MCL 380.501 et seq.

5375 Parent/Guardian Involvement Policy

State of Michigan Parent/Guardian Involvement Initiative: The EAA of Michigan strongly encourages and welcomes the involvement of parent(s)/guardian(s) in all of the EAA of Michigan's educational programs. It is recognized and appreciated that parents/guardians are the "first teachers" of their children, and that their interest and involvement in the education of their children should not diminish once their child enters the schools of the EAA of Michigan. Accordingly, the EAA of Michigan directs, by the adoption of this policy, that the member schools shall design a program/plan that will encourage parent(s)/guardian(s) participation that may include, but not be limited to: The development and review of instructional materials, input on the ways that the EAA of Michigan may better provide parent(s)/guardian(s) with information concerning current laws, regulations, and instructional programs; and Education Achievement Authority of Michigan's offerings of training programs to instruct parent(s)/guardian(s) how to become more involved in their child's education and development. Pursuant to state law, the Chancellor shall require member school principals to provide a copy of the EAA of Michigan's Parental Involvement plan to all parent(s)/guardian(s).

Parent(s)/Guardian(s) Visitation of Classrooms

The EAA of Michigan recognizes the central role parent(s)/guardian(s) play in the education of their children, and supports active parent(s)/guardian(s) involvement in the educational process. Parent(s)/Guardian(s) are encouraged to maintain regular contact with their child's instructors. To familiarize themselves with their child's learning environment, parent(s)/guardian(s) are also encouraged to come to planned conference evenings, school open houses, and visitation days.

Parent(s)/Guardian(s) may also visit their child's classes on other days, subject to the approval of school administration. Parent(s)/Guardian(s) are asked to understand the EAA of Michigan's responsibility to safeguard the learning environment for all students, and be sensitive to the disruption that can be caused by having strangers frequently observe the classroom and place demands on teacher time. The EAA of Michigan also has an obligation to protect the privacy rights of all students and their families by ensuring that the frequency of visitations by one parent/guardian does not allow that parent/guardian to develop inappropriate knowledge of the behavior or academic progress of other students.

5380 Schools of Choice

The Chancellor shall cause to be published annually each spring adequate public notice of educational programs offered in EAA of Michigan's member schools. EAA of Michigan participation in "Schools of Choice," if any, shall not be in conflict with law or Michigan State Department of Education rules and regulations until a waiver granting alternative practices is approved.

The EAA of Michigan will not approve release of resident students for attendance in another EAA of Michigan school not a part of the "schools of choice" provisions of MCL 388.1705 (The State School Aid Act.)

Approved: _____

LEGAL REF: MCL 388.1705, 1705c

5460 Awards and Scholarships

Student awards for having represented a school in the EAA of Michigan shall be limited to those approved by the administration unless such scholarships and awards are provided by the general community at large. Awards for interscholastic activities shall be limited to those approved by the MHSAA.

The appropriate sponsor shall advise students that accepting cash or merchandise for participation in an activity may jeopardize the student's amateur standing and eligibility in that identical activity before the MHSAA.

Each faculty sponsor bears the responsibility for monitoring his/her student activity sponsorship and must make his/her students aware of those activities, which put him/her in violation of this policy and MHSAA regulations.

Approved: _____

5560 Homebound Instruction

EAA of Michigan's physically handicapped students, including those disabled temporarily by illness, operation, or accident authenticated by a physician's order, will be eligible for homebound instruction; however, all programs will meet the criterion of the least restrictive environment. In addition, the EAA of Michigan has as a primary goal significant progress, as measured by individual growth of the Individualized Education Plan (IEP), of all students toward completing their PK-12 experience college, career and workforce ready; as a result, any student who has been removed from school for disciplinary reasons may be eligible for homebound, distance, virtual or online instruction where the student's parent/legal guardian assumes the cost.

Approved: _____

5620 Foreign Exchange Students

The EAA of Michigan will cooperate with students who are interested in entering the foreign student exchange program.

Approved: _____

LEGAL REF: OAG, 1985-1986, No 6316, p 151 (September 25, 1985)

5700 Accreditation

The EAA of Michigan shall operate an educational program that will meet the criteria of the Michigan Accreditation Plan as provided by the Michigan State Board of Education and the North Central Association of Secondary School and Colleges. The EAA of Michigan administrators and staff shall cooperate fully with these associations in their periodic evaluations of the schools in the EAA of Michigan and shall keep the Education Achievement Authority of Michigan informed as to the status of these evaluations. The Chancellor shall keep the EAA of Michigan informed regarding weaknesses that may endanger accreditation and shall make recommendations, which shall correct such weaknesses.

LEGAL REF: MCL 380.1204a

SECTION 6000 – STUDENT SUPPORT SERVICES

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Sub-Section One—Admissions, Attendance and Student Records

6010 Equal Educational Opportunity

Every child, regardless of sex or sexual orientation, race, color, national origin, religion, height, weight, marital status, handicap, age, or disability is entitled to equal and equitable opportunity for educational development.

No student will be excluded from participating in, denied the benefits of, or subjected to discrimination under any educational program or activity conducted by the EAA of Michigan. All EAA of Michigan staff shall treat its students without discrimination as this pertains to any educational program or service provided by the EAA.

Approved: _____

LEGAL REF: 20 USCA §1681; 34 CFR §106.8; 34 CFR §106.0 (Title IX of the Education Amendments); 20 USCA §1701 et seq. (Civil Rights Act); 28 CFR §42.41; 28 CFR §42.405 (Title VI of the Civil Rights Act); 42 USCA §2000e, et seq. (Title VII of the Civil Rights Act); MCL 380.1146

6020 Student Appearance

Students' dress and grooming must not disrupt the educational process, interfere with the maintenance of a positive teaching/learning climate, or compromise reasonable standards of health, safety and decency. Procedures for handling students who dress or groom inappropriately will be developed by the EAA of Michigan member schools, approved by the schools' leadership council (which much include parent members) and included in the Student Code of Behavior Handbooks.

Approved: _____

6030 Student Records

The educational interests of students require the collection, retention, and use of data about individuals and groups of students while ensuring individual rights of privacy. The Education Achievement Authority of Michigan will maintain educational records of students for legitimate educational purposes.

School student records are confidential and information from them shall not be released except as provided by law. The information contained in school student records shall be kept current, accurate, clear, and relevant. All student records, including those maintained in Education Achievement Authority of Michigan electronic database(s), shall be safeguarded during collection, maintenance, and dissemination to protect against unauthorized access or accidental release. The Education Achievement Authority of Michigan's and its member schools may release Directory information in accordance with law, provided parent(s)/guardian(s) are given the opportunity to object to the release of this information.

Directory Information

The Education Achievement Authority of Michigan may make certain directory information available without parent(s)/guardian(s) or eligible student's consent if public notice of the categories of information designated as directory information has been given. After such public notice has been given, the parent(s)/guardian(s) have the right to object to the release of the information within a specified reasonable time. Directory information includes the following information about the student: The student's name; address; telephone listing; electronic mail address; picture; major field of study; participation in recognized activities and sports and related information; grade placement; and honors and awards received.

Armed forces recruiting representatives and service academy recruiters are entitled to receive directory information for students in grades 9-12 that will include: The student's name, address, and telephone number (if listed).

Pursuant to federal law, a form will be sent to parent(s)/guardian(s) that allow them to opt out of the disclosure of Directory information to the military recruiters, and that informs the recipients that failure to complete and return the form will result in the disclosure of the information to military recruiters. Pursuant to federal law, high school Principals may not exclude military recruiters from the school campus if they do not similarly exclude prospective employers or post-secondary institutions.

The EAA of Michigan shall inform students and their parent(s)/guardian(s) annually and upon initial enrollment of their rights under law and Board policy with respect to student records, and of the procedures for exercising those rights. This notice shall be modified to accommodate the needs of the disabled or those whose dominant language is other than English.

EAA of Michigan member schools shall insure that a copy of a student's school record, including disciplinary records of suspensions and expulsions, is transferred to any public or private school in which the student has enrolled within 30 days after receipt of the request, pursuant to federal law and state mandate. Notice shall be given to parent(s)/guardian(s) of this transfer procedure and that the student's record being transferred does include a record of any suspension or expulsion action against the student.

The Chancellor shall cause to be developed rules and procedures for implementing this policy which adhere to state and federal law. The EAA of Michigan's member schools may charge an appropriate fee to cover the expense of providing copies of records requested by the parent(s)/guardian(s).

The EAA of Michigan shall protect the rights of privacy of students and their families in connection with any surveys or data-gathering activities conducted, assisted, or authorized by the EAA Board or Chancellor. Regulations established under this policy shall include provisions controlling the use, dissemination, and protection of such data.

If students are to be surveyed or monitored by researchers, parent(s)/guardian(s) shall be notified of the dates of the planned activities, given an opportunity to review the survey instruments, and given the opportunity to decline participation.

Annual notice will be given to parent(s)/guardian(s) of the administration of any health or physical screening, and given the opportunity to opt out.

Student names and addresses shall not be disclosed to businesses or organizations that plan to use the information for commercial purposes. Exceptions may be made where the purpose has been approved in advance by the Chancellor and where parent(s)/guardian(s) have given, in writing, express permission for this information to be disclosed.

For the purposes of this policy, whenever a student has attained 18 years of age, or is attending an institution of post-secondary education, the consent required of and the rights accorded to the parent(s)/guardian(s) of the student shall only be required of and accorded to the student.

Approved: _____

LEGAL REF: MCL 15.231 et seq.; 380.1134-1135; 380.1139; 20 USCA §1232g (Family Educational Rights and Privacy Act); 20 USCA § 7908 (No Child Left Behind Act); Michigan Department of Education Memo dated 4/6/04.

6045 Attendance

The EAA of Michigan encourages regular attendance at school by all students. Daily attendance records shall be maintained for each student in each school. The EAA of Michigan recognizes that the current structure of public schooling is no longer appropriate for all students. This structure requiring a traditional start and ending time for the school day, lack of extended day and extended year opportunities for students and inflexible scheduling may prevent the regular attendance of all students. As a result, EAA of Michigan's member schools are required to the extent possible, barring financial constraints, to be flexible in the hours of school operation, scheduling, and providing students with extended day/year learning opportunities. In addition, flexibility of time should be incorporated into the student-centered approach for delivering high quality educational programs and services for children and families with an uncompromising sense of equity and accountability.

Absences and Excuses

The EAA of Michigan other than for illness or other reasons specifically referenced in the SOP, discourages any absence from school. Appropriate rules and regulations regarding student attendance shall be developed to allow reasonable flexibility by the EAA member school, and incorporated into the appropriate staff and student handbooks. Such flexibility should provide opportunities for schools to meet the individualized needs of students.

Electronic Attendance Records

The Chancellor is authorized to develop and utilize an electronic system of attendance record keeping subject to the technology capabilities of the EAA of Michigan Education Achievement Authority of Michigan and to generate appropriate Procedures. .

Approved: _____

LEGAL REF: MCL 380.1561; 388.1606

6050 School Admission/Registration/Enrollment

The lawful custodial parent or family member shall present to school officials, at the time of registration/enrollment, a student's certificate of immunization, transfer of records request if

applicable, verification of identity and age, valid telephone numbers (cellular, home and work) and current address where the lawful custodial parent or family member and student reside. In order to finalize the admissions process, the custodial parent must complete an Emergency Contact Form which should include the identification of individuals given the authority by the custodial parent to pick up the student from school in the event the custodial parent is unable to do so.

Pre-registration

In order to obtain an estimate of the number of students who are expected to be enrolled in school during the following year, a pre-registration period shall be scheduled annually during the spring months. The Chancellor shall schedule a reporting date for parents and students who anticipate enrolling in the EAA of Michigan's member schools for the following school year.

Non-Resident Students

A non-resident student shall be defined as any student who does not meet the requirements to be a resident student of the EAA of Michigan, as defined in state law. The enrollment of non-resident students is a privilege granted by the EAA of Michigan and is not a legal right provided to the non-resident student and/or his/her parent(s)/guardian(s). Non-resident students shall not be granted or refused enrollment based upon disability, religion, race, color, national origin, sex or sexual orientation, height, or weight, or generally, in violation of any state or federal law prohibiting discrimination.

However, the EAA of Michigan member schools reserve the right to refuse the enrollment of students who have been expelled from their former school or district.

The EAA of Michigan will consider and may permit the enrollment of non-resident students upon receiving a release from the student's home district or upon payment of tuition unless exempt from doing so by either state or federal law.

Requests from the parent(s)/guardian(s) of special education students for admission shall be considered in accordance with applicable state and federal laws. The student's current Individual Education Plan (IEP) shall be used to determine if the requested school or program can meet the student's individualized needs as required by the Individuals with Disabilities Education Act (IDEA). When necessary, a written cooperative agreement with the student's home school/district, the EAA of Michigan shall provide the service, and the home district shall be responsible for the cost of the educational programs and services including transportation.

Non-resident students admitted pursuant to the following exceptions will not be required to pay tuition or seek approval for admissions if the Chancellor approves resident students attending another EAA of Michigan member school when the needs of the student dictate as determined by the school's counselors, social workers, administrators, social service agencies and courts.

6060 Transfers and Withdrawals

The Chancellor may approve for a student to another EAA of Michigan member school when the needs of the student dictate as determined by the school's counselors, social workers,

administrators, social service agencies and courts. Transfers will not normally be permitted between schools during the school year unless the needs of the student dictate that the transfer be granted per the recommendation of school's counselors, social workers, administrators, social service agencies and courts

Approved: _____

LEGAL REF: MCL 380.10; 380.1134-1135; 380.1147-1148; 380.1177; 380.1204a; 380.1282; 380.1324; 380.1401; 380.1416; 388.1606; OAG, 1979-1980, No 5642, p 587 (February 4, 1980); OAG, 1981-1982, No 5925, p 234 (June 23, 1981); OAG, 1981-1982, No 5995, p 412 (October 12, 1981); OAG, 1987-1988, No 6467, p 196 (September 16, 1987)

6070 Homeless Children

The EAA of Michigan is committed to identifying and serving homeless children. The Chancellor shall develop guidelines and procedures for identifying homeless children within the EAA of Michigan and will produce written guidelines for distribution to each school that explains the rights of homeless students and the responsibilities of the schools to meet their needs and eliminate barriers to school attendance. This information shall also be disseminated in writing and by other means designed to raise awareness of these rights and responsibilities to staff, homeless families, homeless service providers and the public.

Homeless children shall be provided with educational services to meet their individualized needs as determined by their individualized learning plan. The child may attend the school which is in the best educational, social, and emotional interest of the child. The Chancellor shall waive fees and charges that may act as barriers and prevent homeless children from enrolling in school and/or acquiring an appropriate education.

Approved: _____

LEGAL REF: 42 USCA §11433 (McKinney Homeless Assistance Act); 20 USCA § 6311 (No Child Left Behind Act)

6080 Re-admissions

Students, whose enrollment has been terminated, either voluntarily or otherwise, may be re-admitted by correcting the deficiency which resulted in termination of enrollment or by reporting to the school where withdrawal occurred if it was voluntary.

Approved: _____

LEGAL REF: OAG, 1985-1986, No 6271, p 13 (February 7, 1985)

6090 Release of a Student during the School Day

In recognition of the EAA of Michigan's obligation to parent(s)/guardian(s) for the health, welfare and safety of students, building Principals shall not release a student during the school day except in emergency situations or to a student's lawful custodian as defined by Michigan law. The identification of the student's lawful custodian shall be verified by school officials.

Approved: _____

LEGAL REF: MCL 380.1561; R 340.71-75; OAG, 1989-1990, No 6596, p 195 (August 9, 1989)

6095 Closed Campus

The EAA of Michigan's Autonomous Schools shall make a determination as to whether they shall allow closed campuses. When making such determinations, EAA member schools are strongly encouraged to consider the safety, health and well-being of students. Schools that may give consideration to open campuses must be mindful that during regular school hours when children are present at school, the schools shall, as required by law, act in accordance with the doctrine of *In loco parentis*. EAA of Michigan's Direct-Run or Incubation (Incubator or Incubation) Schools shall maintain closed campuses.

Approved: _____

LEGAL REF: MCL 380.1561(1)

Sub-Section Two—Student Behavior

6100 Student Discipline

The EAA of Michigan requires and supports exceptional discipline in schools and realizes that distraction in school due to inappropriate behavior (students/adults) significantly contributes to an eroding school environment not conducive to the paradigm change needed to transform Michigan's Persistently Lowest Achieving schools. Historically, schools and districts (in general) have taken the easy approach to addressing student misbehavior...Suspension or Expulsion. While the EAA of Michigan understands and supports the occasional need to remove students from school, it has, as a primary mission to ensure that ALL children are acquiring the knowledge and skills needed for them to complete their PK-12 experience college, career and workforce ready. Such preparation will not occur for ALL students if EAA of Michigan member schools take the "put them on the street" approach to discipline. EAA of Michigan member schools are encouraged to consider the following relative to promoting the standard of good student behavior in all schools:

1. Consistent enforcement of the Code of Student Behavior;
2. Alternative provisions to the suspension or expulsion of students from school;
3. A review of the penalties for students who are suspended (For example.....Days out of school while concurrently assigning a grade of zero for all work missed);

4. Consequences for breaking the Code of Student Behavior will not have academic implications;
5. Promote schools with an uncompromising sense of dignity, fairness and respect;
6. Flexibility and latitude in allowing students, with new and innovative approaches, to continue their work should the need arise to remove them from class or school for student behavior challenges (virtual, distance or online learning, etc.);
7. Develop and implement a Restorative Justice program;
8. Implement best practice and provide ongoing professional development for classroom management;
9. Continually monitor and analyze student performance and achievement data to inform practice and decisions relative to student behavior; and
10. Continually monitor the participation of students in extra curricula activities. Students who are active in school life generally have significantly lower incidents of discipline challenges.

The EAA of Michigan provides to its member schools the authority to establish and maintain orderly teaching and learning environments. The following is not meant to be an all-inclusive list of rules and consequences for inappropriate student behavior which schools may have to deal with from time to time. All EAA of Michigan's member schools are required to produce and provide to students and parents a student handbook which outlines expectations for students relative to behavior at school or at school sponsored or related events. Rules and consequences outside the scope of this SOP are allowed so long as they promote and add value to good and appropriate behavior desired in all students. All rules and their consequences must conform to the laws of the State of Michigan and the United States and shall neither abridge students' rights afforded them by law or fail to afford them due process entitlements under the law.

6110 Positive Behavior Support (PBS)

The Board believes that Positive Behavior Support systems ensure effective strategies that promote pro-social behavior and respectful learning environments. Research-based positive behavior support systems are appropriate for all students, regardless of age. Positive interventions that support adaptive and pro-social behavior and build on the strengths of the student lead to an improved learning environment. It is the policy of the Board, therefore, that the Chancellor is authorized and directed to implement a system of school-wide positive behavior support (PBS) strategies.

The Chancellor and Education Achievement Authority of Michigan's administrators shall develop the appropriate procedures dealing with student conduct and shall consider an effective parent/guardian communication plan; the use of the EAA of Michigan's counselors, social workers, and psychologists; and/or shall arrange such services with other units of state government. In addition, appropriate rules shall be promulgated regarding any use of seclusion or restraint as means of student control.

All employees are responsible for the regulation of student conduct.

The Chancellor and EAA of Michigan's administrators shall develop the appropriate procedures dealing with student conduct and shall consider an effective parental/guardian communication plan; the use of the EAA of Michigan's counselors, social workers, and psychologists; and/or shall arrange such services with other units of state government.

Approved: _____

LEGAL REF: MCL 380.1311; 380.1312; Michigan State Board of Education Publication, Supporting Student Behavior: Standards for the Emergency Use of Seclusion and Restraint, December 2006.

6120 Assaults Committed by Students

Physical or Verbal Assaults on Employees or Students

The EAA of Michigan member schools shall provide a due process hearing for assault cases. When making a determination for expulsion, schools shall consider the age, grade, facts and circumstances surrounding the incident and possible viable alternatives, if any, to expulsion.

Reinstatement

The parent(s)/guardian(s) of a permanently expelled student, or an emancipated permanently expelled student may petition the Board for reinstatement. The Board shall provide all due process rights to reinstatement as outlined in state law.

Application to Students with Disabilities

This policy shall be applied in a manner consistent with the rights secured under federal and state law to students who are determined to be eligible for special education programs and services.

6150 Student Suspension and Expulsion

The Principal or his/her designee may suspend, either for a short-term or long-term, or may make a recommendation to the Board regarding the permanent expulsion of a student guilty of any of the following:

- Willful violation and/or persistent disobedience of any published regulation for student conduct authorized, adopted or approved by the Board,
- Willful misconduct which substantially disrupts, impedes, or interferes with the operation of any school,
- Willful misconduct which substantially impinges upon or invades the rights of others, or failure to follow an order of a teacher, police officer, school security officer or other school authority, when such disobedience can reasonably be anticipated to result in disorder, disruption or interference with the operation of any school or substantial and material impingement upon or invasion of the rights of others.

6160 Suspensions

The Board authorizes the Chancellor to suspend a student for up to 180 school days without Board action or approval. A suspension may be for a short-term not exceeding ten school days, or for a longer term, exceeding ten school days. Should a suspension be imposed for a number of days exceeding the remaining days in a semester, the days remaining on the suspension will commence with the beginning of the next semester unless otherwise determined by the Chancellor.

A short-term suspension may be imposed immediately upon a student without first affording the student or the parent(s)/guardian(s) a hearing if the presence of the student endangers other persons or property or substantially disrupts, impedes or interferes with the operation of the school.

A long-term suspension shall not be imposed upon a student unless the student has first been suspended for a short-term and not until an opportunity for a formal hearing on the suspension has been afforded the student. Long term suspensions may afford students the opportunity to continue to receive educational services via virtual, distance and online learning. Cost in such instances may have to be assumed by the parent(s).

Application to Students with Disabilities

This policy shall be applied in a manner consistent with the rights secured under federal and state law to students who are determined to be eligible for special education programs and services.

Implementation

The EAA of Michigan's member schools shall develop written regulations to implement this policy in compliance with state law requirements and provide copies in the form of student behavior handbooks to students and parents. Each member school shall ensure uniform and consistent application of the discipline policies and shall report to the Chancellor as required on its effectiveness. The Chancellor shall make similar reports to the Board. The regulations shall include safeguards for the dismissal of students suspended for more than ten accumulative days, procedures for reporting violations of this policy to appropriate members of the EAA of Michigan's administration, and procedures for calling an immediate conference with parent(s)/guardian(s) subsequent to disciplinary action taken against students.

Expulsion

No student may be permanently expelled from the EAA of Michigan's member schools prior to affording students and their parents a due process hearing.

Appeals

The student and parent(s)/guardian(s) may appeal to the Board a long-term suspension ordered by a building level administrator if the student is enrolled in a direct run or incubation school. Students enrolled in charter or contract schools should consult with the chief administrator in their respective schools.

Written Notices

All required written notices may be mailed to the residence of the parent(s)/ guardian(s) at the address on file in the school records of the student. In lieu of mailing the written notice, it may be personally delivered.

Approved: _____

LEGAL REF: MCL 380.1204a; 380.1309; 380.1311, OAG, 1985-1986, No 6271, p 13 (February 7, 1985); 20 USCA § 7151 (No Child Left Behind Act)

6170 Harassment of Students

Harassment of students by EAA of Michigan's staff or agents will not be tolerated. Similarly, student-on-student harassment is equally prohibited and will not be tolerated. Harassment includes unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct relating to an individuals' sex or sexual orientation, race, color, national origin, religion, height, weight, marital status, handicap, age, or disability when:

- Submission to such conduct or communication is made either an explicit or implicit condition of utilizing or benefiting from the services, activities, or programs of the EAA of Michigan;
- Submission to, or rejection of, the conduct or communication is used as the basis for a decision to exclude, expel or limit the harassed student in the terms, conditions or privileges of the EAA of Michigan; or
- The harassment substantially interferes with the student's education, creates an intimidating, hostile, or offensive environment, or otherwise adversely affects the student's educational opportunities.

Any student who believes that he or she has suffered harassment shall immediately report the incident(s) to his/her school Principal, assistant principal, counselor or teachers who are responsible for documenting and reporting the incident to their supervisor and, if applicable, to the appropriate community agency including but not limited to law enforcement.

Should the complaint be against the Chancellor, the incident shall be reported to the EAA of Michigan guarantees that a student reporting an incident(s) of discriminatory harassment will not suffer any form of reprisal.

In determining whether the alleged conduct constitutes discrimination or harassment, the totality of the circumstances, the nature of the harassment and the context in which the alleged incident(s) occurred will be investigated. The building Civil Rights Coordinator, or his/her designee, has the responsibility of investigating complaints of discriminatory harassment of students. In cases where the alleged harassment involves a member of the Board of Education, the EAA of Michigan will appoint outside legal counsel to investigate the complaint. The results of an investigation and any action taken thereon will be communicated to the complaining person.

The EAA of Michigan considers discriminatory harassment based on sex, race, color, national origin, religion, height, weight, marital status, handicap, age, or disability to be a major offense, which will result in disciplinary action of the offender. Disciplinary action against a Education Achievement Authority of Michigan employee may include termination of employment. Disciplinary action against a student may include expulsion. Disciplinary action against a Board of Education member may range from Board of Education public censure to removal of the Board Member from an officer position he/she may hold.

Sexual harassment, may include, but is not limited to, the following:

- Verbal harassment or abuse
- Pressure for sexual activity
- Repeated remarks with sexual or demeaning implications
- Unwelcome touching
- Sexual jokes, posters, cartoons, etc.
- Indecent exposure

Suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's grades, safety, job, or performance of public duties. In addition, any form of retaliation against the complainant or witness is in itself a form of sexual harassment. Upon completion of, or at any point in, the grievance process, complainants have the right to file a complaint with the Office for Civil Rights, US Department of Education, Washington, D.C. 20201. The complainant should first be directed to the following address:

Approved: _____

LEGAL REF: MCL 37.2101 et seq., (Elliott-Larsen Civil Rights Act); 380.11a; 20 USCA §1681; 34 CFR §106.8; 34 CFR §106.9 (Title IX of the Education Amendments)

~~6230 Searches and Seizure of Motorized Vehicles, Lockers, and Students~~

The EAA of Michigan is entrusted with ensuring the safety of students entrusted to their care. Pursuant to that responsibility, there are times when it is necessary to conduct searches of school property including lockers used by students. Additionally, school authorities may conduct searches of students or students' personal property including vehicles, in accordance with the following policy. Searches of lockers, motorized vehicles, and students shall be conducted under the appropriate legal standard to maintain the safety and security of students, teachers, guests, and school property.

School Property

Lockers: All lockers assigned to pupils are the property of the EAA of Michigan. At no time does the school relinquish its exclusive control of its lockers. A student that uses a locker that is the property of the school shall have no expectation of privacy in that locker's contents. The school Principal or designee shall have custody of all combinations to all lockers and locks. Students are prohibited from placing locks on any locker without the prior approval of the Principal or designee.

The school may assign temporary use of lockers to students for its convenience and the lockers may be used only as permitted by the rules identified in the Student Code of Conduct Handbook. The Principal or designee is authorized to search lockers and locker contents at any time, without notice, and without parent(s)/guardian(s) or pupil consent provided that they are operating under the provisions of this policy ~~doctrine of "reasonable suspicion."~~

The Principal or designee may request the assistance of law enforcement in conducting a locker search pursuant to state statute. If law enforcement is summoned, the Principal and/or designee shall supervise the search. In conducting a search, the privacy rights of the student regarding any items discovered that are not illegal or against school policy and rules shall be respected.

Any illegal or unauthorized items found during a locker search or items deemed to be a threat to the safety and security of others will be seized. Such items include, but are not limited to:

- Firearms
- Explosives
- Dangerous weapons
- Flammable material
- Illegal controlled substances or controlled substances analogues or other intoxicants
- Contraband, Poisons, and/or stolen property.

Law enforcement officials shall be notified immediately of seizure of such items, or of items required to be reported to law enforcement under the Statewide School Safety Information Policy. The items seized will be turned over to law enforcement. The parent(s)/guardian(s) of a minor student or a student 18 years of age or older, shall be notified by the Principal or designee of items removed from the locker. A copy of this Procedure is included in the Student Code of Conduct Handbook. A copy of this policy will be given to each student at a school that has lockers and to the parent or legal guardian of each of those students.

Student Person and Property

Students have rights established and guaranteed by the Fourth Amendment to the United States Constitution protecting the right of privacy of their persons and freedom from the unreasonable search or seizure of property. The following guidelines should apply to the search and/or seizure of student's person or of a student's personal property:

1. There must be a reasonable cause to believe that the student is in possession of an article, possession of which constitutes a crime or rule violation, or reason to believe that the student possesses evidence of the violation of a law; or
2. There must be a reason to believe that the student is using his/her locker or property in such a way as to endanger his/her own safety or the health, safety and rights of other persons.

Pursuant to the provisions of this policy, when an administrator determines it is necessary to conduct a search, the administrator shall attempt to obtain the freely-offered consent of the student to the search of his/her person or property; however, provided there is a reasonable suspicion, she/he may conduct the search without consent. Whenever possible, a search will be conducted by the administrator in the presence of the student and a staff member other than the administrator. Search of a student's person shall be conducted by an administrator of the student's gender, in the presence of another staff member of the student's gender. Search of a student's person shall occur only when the health or safety of the student or others is in jeopardy.

Student use of a motorized vehicle on school property is a privilege. Motorized vehicles brought onto school property by students are subject to search by the Principal or designee, without notice or consent, consistent with the current legal standards.

In the case of a locked motor vehicle, every effort will be made to have the vehicle unlocked by the student before proceeding with the search. Students refusing to cooperate in allowing a search of a vehicle brought by them onto school property shall be subject to disciplinary action up to and including revocation of driving privileges on school property and/or long-term suspension or expulsion.

The EAA of Michigan retains the right to search a student's person and/or personal property, including but not limited to a student's motorized vehicle, in emergency situations, such as a bomb threat or a belief that there are weapons or dangerous materials on the premises or in the student's motorized vehicle. In the event of such a clearly defined emergency, if the student is not available to consent to the search of the personal property, the principal or his/her designee(s) has (have) the right to enter. The student should be notified of such action as soon thereafter as possible.

No strip searches shall be conducted by school authorities.

Law Enforcement Searches

School officials shall cooperate with law enforcement officers who seek to execute a search warrant. Where law enforcement officers desire to search without a warrant, school officials should request that the circumstances be explained, and should normally not assist, unless a clear emergency exists.

The principal shall be responsible for the prompt recording and documentation in writing of each student search, including the reason(s) for the search, information gathered that was used to assess the necessity of the search, the name(s) of the individual(s) that provided information which led to the decision that a search was necessary, information resulting from the search, persons present during the search, any substances/objects seized, individuals contacted prior to and subsequent to

the search, and any additional information deemed helpful in providing an accurate a full account of the facts and circumstances leading up to, during, and immediately subsequent to the search.

Approved:

LEGAL REF: MCL 380.1308, 380.1308(5), Statewide School Safety Information Policy, New Jersey v. T.L.O., 469 U.S. 325 (1985), MCL 380.1306, Fourth Amendment of the U.S. Constitution.

6340 Interrogation and Investigations Conducted in School

It shall be the Procedure of the EAA of Michigan that a reasonable cooperative effort is maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on the school premises or during a school-sponsored activity or to maintain the educational environment. They may e summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property. Administrators have the responsibility and the authority to determine when the presence and assistance of law enforcement officers is necessary within their respective jurisdictions. The Education Achievement Authority of Michigan's administrators shall at all times act in a manner which protects and guarantees the rights of students and parent(s)/guardian(s) and shall cooperate with law enforcement officials.

School staff members shall be informed annually of the contents of this policy and rules.

Approved:

6390 Dangerous and Facsimile Weapons

Autonomous schools are responsible for carrying out these Procedures which should also be align with their student handbooks.

The EAA of Michigan will not tolerate the possession of weapons by anyone while on school property or at an EAA of Michigan-related event. In implementing this policy, the EAA of Michigan will comply with MCLA 380.1313 which prohibits students from possessing “a firearm, dagger, dirk, stiletto, knife with a blade over three (3) inches in length, pocket knife opened by a mechanical device, iron bar, or brass knuckles” or other devices designed to inflict bodily harm while in attendance at school or a school activity, or en-route to or from school or on a school bus.

The EAA of Michigan will not tolerate student possession of any facsimile or “look alike” weapon on school property by any student or other person at any time. It shall be a violation of this policy for any student or other person to carry or display any facsimile of a firearm intended to scare, terrify, alarm, threaten, or intimidate any other person.

Any student in possession of a dangerous weapon or facsimile thereof shall be placed under immediate suspension, pending an investigation of the incident by the appropriate school or legal authorities. The Chancellor is authorized to suspend students who violate this Procedure from school and all EAA of Michigan activities for up to a school year. The parent/legal guardian or the student may request that educational services for the student be continued in a virtual learning environment.

This Procedure shall also encompass such actions as false fire alarms, bomb threats, or intentional calls to falsely report a dangerous condition. In addition, the school's administration may seek to file criminal charges against the student.

Approved:

6425 Gangs

The Board desires to keep Education Achievement Authority of Michigan schools and students free from threats or harmful influence of any groups or gangs, which advocate drug use, violence, or disruptive behavior. The Chancellor shall maintain continual, visible supervision of EAA of Michigan premises so as to deter gang intimidation of students and confrontations between members of different gangs.

The Chancellor shall:

Establish open lines of communication with local law enforcement authorities to share information and provide mutual support in this effort; Provide in-service training to help staff identify gangs and gang symbols, recognize early manifestations of disruptive activities, and respond appropriately to gang behavior; and keep the staff informed about conflict management techniques and alerted to intervention measures and community resources, which help students.

The EAA of Michigan prohibits the presence of any apparel, jewelry, accessory, notebook or manner of grooming which, by virtue of its color, arrangement, trademark or any other attribute, denotes membership in gangs which advocate drug use, violence, or disruptive behavior.

Approved:

LEGAL REF: Statewide School Safety Information Policy

6455 Terroristic Threats/Acts

The EAA of Michigan recognizes the danger that terroristic threats or acts by students are a detriment to the safety and welfare of EAA of Michigan students, staff, and community. The EAA of Michigan acknowledges the need for an immediate and effective response to a situation involving such a threat or act.

A terroristic threat shall mean a threat to commit violence communicated with the intent to terrorize another, to cause evacuation of a building, or to cause serious public inconvenience, in reckless disregard of the risk causing such terror or inconvenience.

A terroristic act shall mean an offense against property or involving danger to another person.

The EAA of Michigan prohibits any EAA of Michigan student, at any time, regardless of whether school is in session, from communicating terroristic threats or committing terroristic acts directed at any student, employee, Board member, community member, school building, or property. Any such threat, either real or intended as a joke, or any terroristic act will not be tolerated in or around the , its properties or in or on any vehicle or watercraft owned, leased, rented or used in connection with any school activity and hereby adopts a “zero tolerance” of any such actions.

The Board directs the Chancellor to react promptly and appropriately to information and knowledge concerning a possible or actual terroristic threat or act and to initiate or recommend the most serious disciplinary action available under the law for such threats or acts.

Staff members and students shall be responsible for informing the Chancellor regarding any information or knowledge they may have relevant to a possible or actual threat or act. Failure to bring forward information or knowledge relative to a possible or actual threat or act shall result in disciplinary consequences for students up to and including permanent expulsion and for staff members up to and including discharge.

When the administration of EAA of Michigan’s member schools has evidence that a student has made a terroristic threat or committed a terroristic act, the following guidelines shall be applied:

1. The principal shall immediately suspend the student.
2. The principal shall promptly report the incident to the Board.
3. Based upon further investigation, the principal will determine whether the student shall be reported to law enforcement officials.

The principal, based upon further investigation, shall recommend expulsion, if appropriate, of the student to the Board.

If a student is expelled for making terroristic threats or committing terroristic acts, the Board May require, prior to readmission, that the student provide competent and credible evidence that the student does not pose a risk of harm to others.

Approved:

LEGAL REF: MCL 380.1308; Statewide School

6470 Bullying

Bullying is a form of harassment. For the purposes of this policy, “bullying” is defined as: “The repeated intimidation of others by the real or threatened infliction of physical, verbal, written, electronically transmitted, or emotional abuse, or through attacks on the property of another. It may include, but not be limited to, actions such as verbal taunts, name-calling and put-downs,

including ethnically-based or gender based verbal put-downs, extortion of money or possessions, and exclusion from peer groups within school.” Such conduct is disruptive of the educational process and, therefore, bullying is not acceptable behavior in this Education Achievement Authority of Michigan, and is prohibited.

Students who engage in any act of bullying while at school, at any school function, in connection to or with any EAA of Michigan sponsored activity or event, or while en route to or from school are subject to disciplinary action, up to and including suspension or expulsion. As may be required by law, law enforcement officials shall be notified of bullying incidents.

The Chancellor shall develop administrative regulations and programs that will increase awareness of the problem of bullying, and train teachers and other staff to intervene effectively if bullying is witnessed in their presence or brought to their attention. In designing administrative regulations and anti-bullying programs or strategies, the Chancellor should consult with the greater school community, including students.

This policy shall not be interpreted to prohibit a reasoned and civil exchange of opinions, or debate that is protected by state or federal law.

Approved: _____

LEGAL REF: “Policies on Bullying,” Michigan State Board of Education, 7-19-01; Tinker v Des Moines Independent Education Achievement Authority of Michigan, 393 US 503(1969). See also: Saxe v State College Area Education Achievement Authority of Michigan, 240 F3d 200(CA 3, 2001)

6510 Student Welfare

The Board and Chancellor will endeavor to provide a suitable environment conducive to the general health, safety and welfare of each student in school attendance and in school-sponsored activities.

Approved: _____

LEGAL REF: MCL 333.26301-26306

6525 Student Wellness Policy

The EAA of Michigan’s member schools are committed to creating a healthy school environment that enhances the development of lifelong wellness practices to promote healthy eating and physical activities that support student achievement and hereby adopts this Student Wellness Policy.³⁴

Nutrition Education

Every year, all students, P- K-12, shall receive nutrition education that is aligned with the Michigan Health Education Content Standards and Benchmarks. Nutrition education that teaches the knowledge, skills, and values needed to adopt healthy eating behaviors shall be integrated into the curriculum. Nutrition education information shall be offered throughout the school campus including, but not limited to, school dining areas and classrooms. Staff members who provide nutrition education shall have the appropriate training.

Nutrition Standards

The Education Achievement System shall ensure that reimbursable school meals meet the program requirements and nutrition standards found in federal regulations. The Education Achievement System shall encourage students to make nutritious food choices.

The Education Achievement System shall monitor all food and beverages sold or served to students, including those available outside the federally regulated child nutrition programs. The Education Achievement System shall consider nutrient density and portion size before permitting food and beverages to be sold or served to students.

The Chancellor shall continually evaluate vending policies and contracts. Vending contracts that do not meet the intent and purpose of this policy shall be modified accordingly or not renewed.

Physical Education and Physical Activity Opportunities

The Education Achievement System shall offer physical education opportunities that include the components of a quality physical education program. Physical education shall equip students with the knowledge, skills, and values necessary for lifelong physical activity. Physical education instruction shall be aligned with the Michigan Physical Education Content Standards and Benchmarks.

Every year all students, PK-12, shall have the opportunity to participate regularly in supervised physical activities, either organized or unstructured, intended to maintain physical fitness and to understand the short- and long-term benefits of a physically active and healthy lifestyle.

Other School-Based Activities Designed to Promote Student-Wellness

The Education Achievement System may implement other appropriate programs that help create a school environment that conveys consistent wellness messages and is conducive to healthy eating and physical activity.

Implementation and Measurement

The Chancellor shall implement this policy and measure how well it is being managed, and enforced. The Chancellor shall develop and implement administrative rules consistent with this policy. Input from teachers (including specialists in health and physical education), school nurses, parents/guardians, students, representatives of the school food service program, the Board of Education, school administrators, and the public shall be considered before implementing such

rules. A sustained effort is necessary to implement and enforce this policy. The Chancellor shall report to the Board, as requested, on the Education Achievement System's programs and efforts to meet the purpose and intent of this policy.

Approved: _____

LEGAL REF: Section 204 of Public Law 108-265 (Child Nutrition and WIC Reauthorization Act of 2004) (Approved by the Michigan State Board of Education, October 10, 2005.)

6535 Communicable Diseases - Students and Staff

In order to minimize the spread of contagious diseases among students and staff, the Education Achievement Authority of Michigan will cooperate, fully, with the appropriate County Health Department to enforce adherence to the Michigan Health Code for the prevention, control, and containment of communicable diseases.

A decision to close schools due to communicable disease outbreaks shall be made by the Chancellor, or designee, in consultation with the appropriate County Health Department medical staff and/or for review to the review team.

A student with or carrying a communicable and/or chronic infectious disease has all rights, privileges, and services provided by law and the Education Achievement Authority of Michigan's policies.⁴¹

Approved: _____

LEGAL REF: MCL 333.5111; 333.5131; Family Educational Rights and Privacy Act of 1974, MDE Bulletin, September 23, 1999

6540 Head Lice Policy

The Education Achievement Authority of Michigan will periodically conduct "head checks" to screen for head lice infestation. Designated school personnel trained to look for head lice will do this.

If a student is found to be infested with head lice, or to have nits, he/she will be sent home for treatment and a notification letter will be transmitted to the parent(s)/ guardian(s). An alert notice will be sent home to the parents/guardians of all students in the class of the infested student.

The student shall not be readmitted to school until the child, parent(s)/guardian(s) can show proof, acceptable to the nurse or building administrator, of an approved treatment.

The student must remain nit-free upon inspection at school. If the student is found to still have nits after returning to school, the parent(s)/guardian(s) will be notified and the child will be sent home for nit removal.

Copies of this policy, along with Education Achievement Authority of Michigan rules and regulations governing head lice control and advice to parent(s)/guardian(s) on head lice control in the home, will be distributed to students and parent(s)/guardian(s) in a manner to be determined by the Chancellor.

Approved:

LEGAL REF: Michigan Head Lice Manual, Michigan Department of Education, Michigan Department of Community Health, July 2004 –

6550 Student Suicide Awareness and Prevention

The EAA of Michigan recognizes that depression and self-destruction are problems of increasing severity among children and adolescents. A student who suffers the psychological disability of depression cannot benefit fully from the educational program of the schools, and a student who has attempted self-destruction poses a danger both to himself/herself and to other students.

The Chancellor directs all school personnel to be alert to the student who exhibits signs of unusual depression or who threatens or attempts suicide. Any such signs or the report of such signs from another student or staff member should be taken with the utmost seriousness.

The Chancellor shall develop and implement administrative guidelines whereby members of the professional staff understand how to use an intervention procedure which includes the following:

- Step 1 – Stabilization
- Step 2 – Assessment of the Risk
- Step 3 – Use of Appropriate Risk Procedure
- Step 4 – Communication with Appropriate Parties
- Step 5 – Follow-up

Throughout any intervention, it is essential that Board policies and Education Achievement Authority of Michigan guidelines regarding confidentiality be observed at all times.

Approved: _____

6560 Child Abuse and Neglect - Duty to Report

Pursuant to MCL 722.622(f), child abuse must be reported to the Department of Human Services (DHS) where the suspected perpetrator is the parent(s)/guardian(s), or any other person responsible for the child's health or welfare or by a teacher, a teacher's aide, or a member of the clergy.

Any school administrator, school counselor, or teacher of the Education Achievement Authority of Michigan who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions which would reasonably result in abuse or neglect will immediately report, or cause a report to be made, to the

Department of Human Services.⁴² School employees will not contact the child's family or any other persons to determine the cause of the suspected abuse or neglect. It is not the responsibility of the school employees to determine or prove that the child has been abused or neglected.

Access to Students on School Premises

The building Principal is authorized to act in loco parentis to protect the interests of the student when a student is to be interviewed by DHS representatives on school premises. The EAA of Michigan recognizes, however, that the DHS may, lawfully, interview a child alleged to have been abused without the presence of the building Principal or other school personnel. However, in appropriate cases, the Principal may request that he or she, or a designated representative, be present during the interview.

Cooperation between School and Agencies

Elementary and secondary schools, and law enforcement agencies shall cooperate with each other in the investigation of reports of suspected child abuse or neglect. To the extent that safety and practical consideration allow, it is the preference of the Education Achievement Authority of Michigan that law enforcement officers on school premises to investigate a report of suspected child abuse, or neglect, should not be in uniform. Administrators shall make this Education Achievement Authority of Michigan preference known to law enforcement officers and ask for their cooperation.

Approved: _____

LEGAL REF: MCL 722.621-638; Commonwealth v Allen, 980 S.W. 2d 278 (Ky., 1998); People v Beardsley, ___ Mich App___ (#246202, 8-24-2004).

6580 Alcohol and Drug Abuse

The EAA of Michigan recognizes that the misuse of drugs is a serious problem with legal, physical, and social implications for the entire school community. As the educational institution of this community, the schools should strive to prevent drug abuse.

For purposes of this policy, "drugs" shall be defined as:

- A. All dangerous controlled substances as so designated and prohibited by Michigan statute;
- B. All chemicals which release toxic vapors;
- C. All alcoholic beverages;
- D. Any prescription or patent drug, except those for which permission to use in school has been granted pursuant to EAA of Michigan's Standards and Operations Procedures;
- E. "Look-alikes";
- F. Anabolic steroids; and
- G. Any other illegal substances so designated and prohibited by law.

The EAA of Michigan prohibits the use, possession, or concealment of any drug at any time on EAA of Michigan's property or at any EAA of Michigan-related event. Any student who violates this policy will receive an automatic 10-90 school-day suspension for the first offense; a second offense will result in an automatic 20-180 school-day suspension. Distribution of any drug shall receive an automatic 20-180 school-day suspension/expulsion.

The Chancellor shall prepare guidelines for the identification, amelioration, and regulation of drug use in the schools. Such guidelines shall:

- A. Emphasize the prevention of drug use;
- B. Provide for a comprehensive, age-appropriate, developmentally-based drug and alcohol education and prevention program which:
 1. Addresses the legal, social, psychological, and health consequences of drug and alcohol use;
 2. Provide information about effective techniques for resisting peer pressure to use illicit drugs and alcohol;
 3. Assist students to develop skills to make responsible decisions about substance abuse and other important health issues;
 4. Promote positive emotional health, self-esteem, and respect for one's body;
 5. Meet the minimal objectives as stated in the essential performance objectives for health education as established by the State's Department of Education.
 6. Include a statement to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful;
 7. Provide standards of conduct that are applicable to all students which clearly prohibit, at minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or as a part of any school activity.

Approved: _____

LEGAL REF: MCL 380.1170

6590 Tobacco Products

The use and/or the possession by any student, regardless of age, of any tobacco product are prohibited in any school building, at school-sponsored events, regardless of location, or on any school property.

Possession of tobacco products by any student under the age of 18 years may be reported to appropriate law enforcement authorities. (Cf. 2790)

Approved: _____

LEGAL REF: MCL 380.1170; 333.12601 et seq.; 722.642; 750.473; OAG, 1977-1978, No 5202, p 167 (July 11, 1977); OAG, 1977-1978, No 5336, p 502 (June 28, 1978)

6610 Student Insurance Programs

The Board recommends that all students engaging in athletics, shop courses, science laboratories, cooking classes, physical education classes, or any other hazardous activity be covered by some type of accident insurance. Such insurance may be provided by each student's parent(s)/guardian(s) through personal insurance coverage, through the student group insurance program available from each building Principal, or through insurance provided by the Education Achievement Authority of Michigan.

Any additional medical expense not covered by the student's accident insurance or activities insurance and any voluntary, optional basic accident insurance is the responsibility of the parent(s)/guardian(s).

Approved: _____

6615 Student Health Services

The Board and Chancellor will endeavor to maintain a healthful environment for each student in school attendance and in school-sponsored activities.

Prior to entrance in school, Kindergarten students shall be requested to present evidence that they have had a physical examination or a statement signed by the parent(s)/guardian(s) that meeting this request is contrary to their religious beliefs.

Immunization of Students and Vision Testing

All Kindergarten students and other students entering school for the first time shall submit evidence that they have complied with the state's immunization requirements by:

Submitting a statement by a physician that the child has been tested for, immunized, or protected against, diseases specified by the Director of public health, or

Submitting a statement signed by the parent(s)/guardian(s) to the effect that the child has not been immunized because of religious convictions or other objections to immunization.

The parent(s)/guardian(s) of each enrolling child shall submit a statement signed by a EAA of Michigan, county, or city health department Director stating that the child has passed the department of public health preschool vision screening test, or signed by a licensed medical or osteopathic physician, or a licensed optometrist stating that the child's eyes have been examined during the preschool years after age 3 and before initial entrance. A vision test is not required if

there is a statement signed by the parent(s)/guardian(s) to the effect that the child cannot be subjected to the test because of religious conviction.

The EAA of Michigan Board shall place a very high priority on the eradication of preventable diseases among students through an adequate program of immunization, and authorizes the use of Education Achievement Authority of Michigan facilities and staff time for this purpose.

To accomplish this task the EAA of Michigan shall use the model plan developed by the Michigan Department of Education and the Michigan Department of Public Health for assessing local immunization needs and implementing an immunization program appropriate to those needs.

Approved: _____

LEGAL REF: MCL 333.9208-9215; 380.1177

6620 First Aid

The Education Achievement Authority of Michigan may provide appropriate first aid and CPR training for identified personnel. This training may be provided as part of the Education Achievement Authority of Michigan's in-service plan or other program established by the Board.

Only those school employees qualified by Education Achievement Authority of Michigan approved training and then only in case of emergency may administer first aid and CPR to students. School employees shall not attempt to treat any student injury after the initial treatment of emergency first aid. The Education Achievement Authority of Michigan will not assume liability under these policies for employees acting outside the scope of their authority.

Approved:

LEGAL REF: MCL 691.1504

6630 Automated External Defibrillators (AED's)

Sudden Cardiac Arrest is a condition that occurs when the electrical impulses of the human heart malfunction causing a disturbance in the heart's electrical rhythm called ventricular fibrillation. This erratic and ineffective electrical heart rhythm causes complete cessation of the heart's normal function of pumping blood resulting in sudden death. The most effective treatment for this condition is the administration of an electrical current to the heart by a defibrillator, delivered within a short time of the onset of ventricular fibrillation.

An AED is used to treat victims who experience Sudden Cardiac Arrest. It is only to be applied to victims who are unconscious, without a pulse, signs of circulation and normal breathing. The AED will analyze the heart rhythm and advise the operator if a shockable rhythm is detected. If a shockable rhythm is detected, the AED will charge to the appropriate energy level and advise the operator to deliver a shock.

The EAA of Michigan may determine to enhance school safety by installing and maintaining AED devices in school buildings within the Education Achievement System.

The Chancellor shall develop guidelines regarding the appropriate use and relevant training required for effective utilization of the AEDs.

Approved: _____

LEGAL REF: MCL 691.1504 (3) (4); 21 CFR 801.109

6640 Administration of Medications by School Personnel

The administration of medications by school personnel is governed by policy 2780. Please refer to that policy for all details.

Approved: _____

SUB-SECTION THREE–Extra and Co-Curricular Activities

6710 Participation Fees for Interscholastic Athletics

The Board may establish a student participation fee for sponsored athletic teams. The fee for each sport shall be established in July and may be reviewed by the Board prior to the second semester.

Approved:

6720 No Pass, No Participation Policy

The EAA of Michigan is committed to developing students who are ready to compete in the global workforce not merely on the playing field, stage, or in the concert hall. Therefore, the EAA of Michigan maintains a “No Pass, No Participation” policy that places a premium on student performance in the classroom rather than in an extracurricular activity. Therefore, in order to participate in any extra- or co-curricular activity must meet all the following conditions: (a) maintain a minimum overall GPA requirement of 2.5; (b) score at least proficient on the applicable state test for his/her grade; and (c) attend class at least 93 percent of the time based on quarterly attendance records.

This policy will be effective in the Fall of 2012, beginning with first time eighth grade students and will be applicable to all students in the incoming grades that follow.

A student that fails to meet the conditions listed above is ineligible to participate in extracurricular activities until the requirements are met. The requirements must not only be met, but the GPA must be maintained throughout the participation period and during off season classes. Students who fail to meet the academic standards or fall below the GPA standard during the season may still be a “member” of the team, club, or activity but will (and must) partake in mandatory tutorials rather than practice, rehearse, or perform until the student meets the minimal participation standards.

This enhanced policy will encourage students to maintain their GPA’s before, during and after their respective activities, as well as make satisfactory progress toward graduation. This new policy also helps prepare students to meet college entrance requirements and the challenges that will face them when balancing classes and activity involvement at the collegiate level. Most importantly it keeps academics as the focus of students’ attendance in EAA of Michigan schools, and ensures that each student leaves prepared to compete in the global market.

6730 Interscholastic Athletics Defined as Club or Varsity Sport

All interscholastic athletic teams within the Education Achievement Authority of Michigan shall be defined as either “club” or “varsity” sports. The definitions and requirements for each are as follows:

Club Sports

A “club” is defined as a parental/guardian/student funded athletic program involving interscholastic competition that is operated directly under the supervision of the building Principal and athletic Director. “Club” sports originate only with the approval of the building Principal.

Requirements to Achieve “Club” Status

In order to achieve “club” status, a student group must meet the following requirements:

Demonstrate adequate student interest.

If the faculty sponsor is not the coach, a qualified coach will be approved by the building Principal and athletic Director. There will be no minimum number of opponents or contests required to achieve or retain “club” status.

“Club” sports and coaches shall comply with all rules and regulations set forth by the Michigan High School Athletic Association (M.H.S.A.A) and the East Detroit Public Schools.

Administrative Requirements

The faculty sponsor of the “club” sport shall ensure that the following administrative requirements are met:

1. A written plan is approved by the building Principal and athletic Director. The plan shall include:

Proposed budget,
Be sponsored by a faculty member, if possible, and
An approved transportation plan and insurance plan.

2. An annual program report is completed.
3. Adequate administrative resources and physical facilities are available.

Varsity Sports

A “varsity” sport is defined as an athletic program operated under the direct supervision of the athletic Director and funded, under normal conditions, from a subsidy from the Education Achievement Authority of Michigan.

Requirements to Achieve “Varsity” Status

In order to achieve “varsity” status, an athletic program must meet the following requirements:

- Must have demonstrated adequate student interest for the preceding two consecutive years. Adequate student interest is defined as double the minimum squad size.
- Must have adequate and appropriate competition for the given sport, defined as the interscholastic opponents within Southeastern Michigan Counties.
- Must comply with MHSAA. and the EAA of Michigan’s member schools’ rules and regulations.

Periodic Review

All “club” and “varsity” sports will be reviewed annually to determine compliance with the above guidelines and other standards as established by the school system. The level of participation, including the number of participants and availability of competition, should be the major determinants for achieving and/or retaining “varsity” status for individual sport offerings. Other factors to consider are cost, safety, risk, and minority representation.

Approved:

6750 Addition and Deletion of Interscholastic Athletics

The addition of new athletic teams will come only after the Board has thoroughly reviewed the proposed sport. The review shall include student interest, state and local competition, facilities, coaching, available funding, anticipated revenue, scheduling, equality of programs, and total impact on athletic and other Education Achievement Authority of Michigan programs.

There is no obligation for the Education Achievement Authority of Michigan to provide funding for athletics. A sport may be “parental/guardian funded” on a year-to-year basis as one process to measure and establish student interest. A sport may also be partially funded by the Education Achievement Authority of Michigan while being considered for addition or deletion.

Proposals for adding new sports to the program shall be presented to the Board prior to January 31 of the school year prior to the year the sport would be added.

The Board shall establish criteria and procedures to follow when considering the addition or deletion of team sports.

Approved:

6770 Student Activities

Any activity, which involves the expenditure of public funds, shall be subject to prior approval of the Board. An annual report shall be provided to the Board by each building Principal listing the activities involving fees and the amount of each fee.

Activity Fees

Fees for various student activities shall be established by the building Principal with the approval of the Board. The fees shall admit each student to all activities in the respective attendance center. No student shall be denied participation in any activities because of his/her inability to pay such charges.

Activity Fund Management

The Director of Fiscal Services shall maintain an accurate record of all student activity funds in the respective attendance centers. The Director of Fiscal Services shall make a monthly report to the Board of the revenue and expenditures of the activity fund under his/her administration. No funds shall be expended from these accounts except in support of the student activity program.

Musical Instruments

The school may provide a variety of musical instruments for student use. The Chancellor may require a reasonable deposit for instrument use in order to protect the EAA of Michigan against loss or damage.

Approved: _____

6780 Closed Forum

All school-sponsored student organizations shall be curriculum related. Only students actually enrolled in and attending EAA of Michigan member schools may participate in any school sponsored student clubs, co-curricular events, or extra-curricular offerings of the EAA of Michigan. Consequently, the Board establishes a closed forum regarding school-sponsored organizations and clubs. By way of limited example, a "school-sponsored, curriculum related student club or organization" would be those such as: Foreign language clubs; Astronomy Club, Math Club, American History Club, American Literature Club, Student Council, or the like.

Membership in all student organizations shall be open to all students of the school without regard to race, color, gender, sexual orientation, religion, handicap, creed, or national origin. All school-sponsored student organizations shall operate within a framework of state and federal law, Board policy and administrative rules and regulations. Persons who are not students in this Education Achievement Authority of Michigan shall not be allowed membership in any school-sponsored student organization.

The Chancellor shall develop general guidelines for the establishment and operation of school-sponsored student organizations. Such guidelines shall include the approval of the building Principal prior to the formation of any club or organization, the assignment of at least one faculty advisor to each student organization, and provisions for the establishment of bylaws or operating procedures which provide a linkage to the curriculum relatedness of the organization.

The building Principal may deny requests for forming a school-sponsored student organization where the requirements of Board policy and administrative rules and regulations have not been met. When a request has been denied, the students shall be informed of the reasons for the denial.

The students may submit a written request to the Chancellor within ten days of the notice of denial for a review of the Principal's decision. The Chancellor's decision shall be final.

Approved:

LEGAL REF: MCL 380.1299; 20 USCA §4071, et seq. (Equal Access Act)

6820 Non-School Sponsored Clubs and Organizations

The EAA of Michigan encourages students to broaden their knowledge and citizenship by the formation of clubs and other groups organized to promote or pursue specialized activities outside the regular classroom environment, and not related directly to the curriculum, provided membership is open to all interested and eligible students from the EAA of Michigan, approval of the building Principal and the Board is obtained and a member of the school staff attends the meetings or activities as an official non-participating observer. By way of limited example, a non-school sponsored student club would be those such as Ski Club, Chess Club, Bowling Club, Pep or Spirit Club, Hobby Clubs, Boy Scouts, Girl Scouts, Explorers, and the like having no direct connection to the curriculum.

Meetings and Membership

Non school-sponsored/non-curricular related student clubs shall not conduct their activities on school property without prior permission from the Principal. Persons who are not students in this EAA of Michigan shall not be allowed membership in any non- school-sponsored student organization without written approval of the building Principal.

Student Equal Access

Student initiated, non-curricular related groups shall be permitted to conduct voluntary meetings on high school premises only before or after the school day, provided that the meetings do not materially and substantially interfere with the orderly conduct of the educational activities of the school or violate Board policy or state and federal law. Such meetings shall be open to all students without regard to race, creed, color, sex, handicap, religion, or national origin.

No public funds may be expended on behalf of the student groups covered by this policy except for the incidental cost of providing space for the meeting. Students seeking to establish voluntary, non-curriculum related student group shall first seek approval of the building Principal. Should the Principal not approve the student group, the students may submit a written request to the Chancellor within ten days of the notice of denial for a review of the Principal's decision. Should the Chancellor deny permission, the Chancellor's decision may be appealed to the Board of Education. The Board's decision shall be final.

Federal Compliance

The EAA of Michigan will comply with the provisions of the Boy Scouts of American Equal Access Act, and will not discriminate against or deny access to groups protected by the Act.

Student Social Events

Student social events, such as dances and parties, contribute an important element in the development of the individual. All such events sponsored by non- school-sponsored student clubs or organizations must have the prior approval of the building Principal and the un-official, non-participating advisor of the club or class sponsoring the event.

Student social events shall be held, normally, after the last regular class period during the school day unless otherwise approved by the building Principal during other, non-instructional times before school or during the lunch period.

Unless otherwise specifically approved by the Board, attendance at all social functions, regardless of the organization sponsoring or promoting the social event, is limited to students of the EAA of Michigan.

LEGAL REF: MCL 380.1299; 20 USCA §4071, et seq. (Equal Access Act)

6730 Non-School Sponsored Student Publications

Students are exposed to diverse opinions on an infinite number of topics through the various mass media. Students who have facts and opinions should be allowed to express them in print as well as through oral communication. However, student editors and writers of non-school-sponsored student publications must observe the same legal responsibilities as those imposed upon conventional newspapers and communication media. Thus, no student shall distribute in any school, or publish by electronic means, any student publication that:

Is obscene as to minors according to current legal definitions,
Is libelous according to current legal definitions, or
Creates a material or a substantial disruption of the normal school activity or appropriate discipline in the operation of the school.

Student publications, that are not libelous, disruptive or obscene, may be distributed on school property during school hours in areas designated by the building Principal. Distribution which substantially interferes with the normal flow of traffic within the school corridors and entrance ways, which is coercive of any other person's right to accept or reject any publication or which causes substantial and material interference with "normal school activities" shall not be permitted.

Approved:

LEGAL REF: Hazelwood School Dist. v. Kuhlmeier, 484 U.S. 261, 108 S.Ct. 562, 98 L.Ed.2d 592 (1988)

6840 Student Photographs

Commercial Photographers

The Board allows the practice of contracting with commercial photographers to take student pictures and make them available to parent(s)/guardian(s) as a part of the total school program.

The school may contract with commercial photographers to take pictures of students for specific purposes such as graduation pictures, yearbooks, class pictures, student records or identification cards.

No student, however, shall be required to have his/her picture taken by school contracted commercial photographers and shall not be pressured for the purchase of photographs. Students may substitute photographs taken by photographers of their choice to be used in yearbooks or for official school records. The school may establish reasonable specifications for such pictures.

The Chancellor shall be authorized to select and contract with commercial firms to provide the photographing service. Good business practices and Board purchasing guidelines prevail in such selection.

Other Photographic or Video Images

Permission to shoot close-up pictures of students via regular film or digital imaging, or to videotape students participating in school sports or other school-related activities, and to identify those students, may be granted to the media (newspapers and television stations) only with parent(s)/guardian(s) approval for students less than 18 years of age. Parent(s)/Guardian(s) approval also shall be required before pictures of students may be used, or students identified, in non-school publications with the exception of photographs or video images taken by news media in the normal course of news coverage of Education Achievement Authority of Michigan activities.

Approved: _____

7000 Public Relations, Communications and Marketing

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7001 School Community Relations Goals and Objectives

Public relations are a planned and systematic two-way process of communication between the Education Achievement Authority of Michigan and its internal and external publics. Its program serves to stimulate a better understanding of the role, objectives, accomplishments, and needs of the organization. Public relations are a management function, which interprets public attitudes, identifies the policies and procedures of the EAA with the public interest, and executes a program of action to encourage public involvement and to earn public trust, understanding and acceptance.

The EAA shall, through its communications, community engagement and marketing staff

- keep stakeholders informed through efficient channels of communication on procedures, programs, concerns, and planning for the success of the EAA of Michigan and its member schools.,
- Seek advice and counsel as well as solicit input from stakeholders through local school SRT.
- Establish an exceptional working relationship with governmental, educational, and private agencies having an interest in the operation of its schools and whose goals are compatible with the EAA of Michigan.

7010 News Media Relations

The Education Achievement Authority of Michigan shall cooperate with news media representatives in order that the public may be fully informed about the operations of the EAA and its member schools.

News Releases

All news releases prepared for public distribution under the auspices of the Education Achievement EAA of Michigan by employees or students of the Education Achievement Authority must have the approval of the Chancellor prior to release.

News Conferences and Interviews

All news conferences and interviews will be arranged and scheduled by the Education Achievement Authority of Michigan Public Relations, Communications and Marketing Department.

Approved: February 21, 2008

7020 Information and Campaigns

All information campaigns of the Education Achievement Authority of Michigan shall be approved by the Chancellor and managed by the Public Communications and Marketing Department. EAA of Michigan Funds shall not be used to provide persuasive information in millage and/or other campaigns of a partisan or non-partisan political nature.

7130 Relations with Parent(s)/Guardian(s)

The Education Achievement Authority of Michigan believes that the education of children is a joint responsibility it shares with the parent(s)/guardian(s) to ensure that the educational needs of children are met. A strong program of communication between home and school must be maintained.

7150 Solicitations

Solicitations on EAA of Michigan's school premises shall not be permitted unless expressly approved Chancellor.

7190 Interviews with Students

Any representative of the news media seeking to interview any student during regular school hours is prohibited unless permission has been granted by the parent/guardian and approved by the approval of the building Principal. The Chancellor is to be notified of such occurrences.

7230 School Volunteers

To ensure the safety and well-being of students, individuals desiring to volunteer in EAA of Michigan member schools where they will come in contact with and/or work directly with students, can only do so after a background clearance. The purposes of the school volunteer program are:

- To increase the educational attainment of students,
- To provide enrichment experiences beyond those that the school can provide,
- To provide more effective utilization of teacher time and skills,
- To give more individual attention to students who need it, and

To promote greater community involvement in the academic and co-curricular programs of the Education Achievement Authority of Michigan:

- Volunteers are assigned to a school only upon the request of the teacher or Principal.
- Volunteers serve only in an auxiliary capacity under the direction and supervision of the building Principal, Athletic Director or other certified school personnel.

- A volunteer is not a substitute for a member of the school staff, but does supply supplemental and supportive services.
- A volunteer does not have access to confidential files and records.

Wherever possible, volunteers are assigned to the particular school where they wish to serve. The relationship between volunteers and the school staff should be one of mutual respect and confidence.

All school volunteers work under the direction of the school staff and provide supportive services to them. Volunteers are not teachers; they assist teachers and will only be assigned to those staff members who request them. The volunteers shall never replace the paid school staff, nor will their presence mean that fewer paid staff members will be needed.

At the discretion of the Chancellor, the EAA of Michigan may conduct criminal and/or professional background checks on volunteers in the same manner as for employees of the Education Achievement Authority of Michigan. The Education Achievement Authority of Michigan will bear the cost for criminal background checks if required.

7250 Use of Education Achievement Authority of Michigan Facilities

The EAA of Michigan shall encourage the utilization of EAA of Michigan buildings and Education Achievement Authority of Michigan grounds by properly organized and responsible groups. Such use of any EAA of Michigan's facility or Education Achievement Authority of Michigan grounds shall not interfere with the daily operations of the school or any school-sponsored student activity. The utilization of facilities or grounds by individuals or groups shall comply with the Equal Access Act.

The use of school facilities for school purposes has precedence over all other uses. Persons on school premises must abide by the EAA of Michigan's conduct rules at all times. The Education Achievement Authority of Michigan directs the Chancellor or designee to develop rules to provide for the use of school facilities.

Fees and Rental Charges

The EAA of Michigan shall establish reasonable fees and/or rental charges for the use of any Education Achievement Authority of Michigan facility or Education Achievement Authority of Michigan grounds; such fees and/or rental charges shall cover costs of wages for any school personnel involved and utilities consumed. The fee and/or rental charges shall be adopted by the Education Achievement Authority of Michigan.

Lease Arrangements

Any lease arrangement entered into by the Education Achievement Authority of Michigan shall conform to state law. Any such lease, however, shall not exceed one year, but the Education Achievement Authority of Michigan may extend any such lease if good cause is shown by the Education Achievement Authority of Michigan.

Use of Education Achievement Authority of Michigan Facilities for Prayer or Religious Purposes during the School Day

The use of any Education Achievement Authority of Michigan facility during the normal school day will not be allowed for prayer or religious purposes by outside groups. This prohibition against religious use includes the use of Education Achievement Authority of Michigan facilities by Education Achievement Authority of Michigan personnel, stakeholders, and churches or any other individual or groups of individuals during the regular school day or during times when students are engaged in school related activities and/or events.

Gymnasium and Cafeteria

The EAA of Michigan's gymnasium(s) and cafeteria(s) may be rented to community groups only if approved in advance by the building Principal. All organizations wanting to use these facilities must contact the building Principal for approval and scheduling.

Religious groups are allowed to use these facilities when proper application is made with and approved by the Education Achievement Authority of Michigan.

Buildings and Grounds

Use of the buildings and grounds of the Education Achievement Authority of Michigan by individual or outside organizations must be approved by the appropriate building Principal.

Services

A school custodian shall be on duty and shall have instructions to see that the building and equipment are properly cared for and used whenever any school facility is used by non-school groups or individuals.

A school custodian may not be required when, in the opinion of the building Principal, it is not necessary. In this case, the sponsors and the Principal accept full responsibility for the building's use.

Approved: _____

LEGAL REF: MCL 333.12601 et seq.; OAG, 1987-1988, No 6460, p 167 (August 25, 1987); Lamb's Chapel v Center Moriches Union Free Education Achievement Authority of Michigan, 508 U.S. 384 (1993); 20 USCA §4071, et seq. (Equal Access Act); 20 USCA 7905 (Boy Scout Equal Access Act).

7290 Crowd Control at School Sponsored Activities

The EAA of Michigan shall, to the full extent of its legal powers, ensure that every student and adult has an opportunity to attend school activities without fear or harm of injury to person or property. The Education Achievement Authority of Michigan shall not allow persons with

disruptive intent to endanger the safety of students, school personnel or other adults; to damage school property; to interfere with school activities or the educational process; or to attempt to close the schools.

Disorder and disruption of school activities shall not be tolerated, and persons attempting such action shall be held accountable. When it becomes necessary to protect students, personnel, stakeholders and property, the EAA of Michigan shall seek the enforcement of all laws and prosecution of those who violate the law. Violation of any law and/or local city ordinance shall be referred to the appropriate law enforcement agency, prosecutor, and courts for proper disposition.

Prosecution of those causing disorder, disruption, or disturbances on school property will be conducted under existing city, county and state laws and ordinances.

The EAA of Michigan recognizes the right of peaceful dissent providing that dissent does not infringe upon the rights of others. Further, exercising that right encourages open and constructive communication that may lead to improvement and betterment of school activities.

In accordance with administrative guidelines to be developed by the Chancellor, Principals shall be held responsible for providing for the safety and welfare of students and adults and the protection of school property from damages or injury by any person or groups of persons.

Definition of Disturbances or Disorders

For the purpose of this section, state statutes covering disturbance of the peace or disorderly conduct shall be used as a basis for prosecution.

Any city, county, or township ordinance in effect at the time of any disturbance at a school activity shall be used by the EAA of Michigan to aid in the prosecution of any individual or groups of individuals responsible for such disturbance.

Upon conviction of any disturbance or disorderly conduct, the individual or groups of individuals will be barred by Education Achievement Authority of Michigan action from attending any EAA of Michigan-sponsored activity or event held on school property. The length of the ban shall be determined by the Education Achievement Authority of Michigan and shall be based on the seriousness of the act or disturbance. The EAA of Michigan authorizes its staff members to enforce the ban, if any, by any reasonable force including calling law enforcement officials to aid them in carrying out their assigned duty.

7300 Tobacco Products On/In Education Achievement Authority of Michigan's Premises

Tobacco products shall not be used by any person in EAA of Michigan buildings or on EAA of Michigan property and shall comply with Michigan state laws and local ordinances. Copies of the smoking and tobacco-free products policy shall be distributed to all employees and made available to all students and visitors and shall be published in student and staff publications.

Approved: _____

LEGAL REF: MCL 333.12601 et seq.; 750.473; OAG, 1977-1978, No 5336, p. 502 (June 28, 1978)

Students' Gifts to Staff Members

Students shall be discouraged from collecting money, allocating activity funds or purchasing gifts for faculty members.

Students' Gifts to the School

Student organizations, with prior approval of the organization's sponsor and building Principal, may donate a portion of the organization's funds to a school or to the EAA of Michigan for specific purposes enumerated by them. Such donations must have final approval of the Chancellor or the EAA of Michigan depending on the size of the gift or its potential use.

Faculty Gifts to Students

Faculty members are discouraged from giving gifts to individual students or to classes of students during school hours in any attendance center or on school property.

Approved _____

LEGAL REF: MCL 380.15

7400 Visitors to the School

All school buildings shall be posted to require all visitors to first make their presence known to the appropriate building Principal before proceeding to contact any other person in the building or on the grounds.

Any person who visits a building and/or grounds of the EAA of Michigan will be under the jurisdiction of the building Principal who shall be responsible for developing rules and regulations governing the presence of visitors in the buildings.

The Principal has the authority to request aid from any law enforcement agency if any visitor to the EAA of Michigan's buildings or grounds refuses to leave or creates a disturbance. Violation of this rule may lead to removal from the building or grounds and denial of further access to the building or grounds. Violators of this EAA of Michigan policy and its rules may be subject to governmental trespass laws.

Public/Parent(s)/Guardian(s) Visitors to the Schools

The EAA of Michigan encourages the public and parent(s)/guardian(s) to visit the EAA of Michigan's schools, departments, and classrooms and provide authority to principals to establish

appropriate rules, regulations, and guidelines which must be included in appropriate handbooks.
The following guidelines are provided:

- Parent(s)/Guardian(s) visits shall be made in accordance with the following guidelines:
- Parent(s)/Guardian(s) visits shall be scheduled with the teacher or the building Principal;
- The Principal or designated representative shall accompany the parent(s)/guardian(s) on the visit if the parent(s)/guardian(s) so desire(s).

Such visits are for becoming acquainted with school instruction, programs, personnel, operation, and/or the facility.

Parent(s)/Guardian(s) shall refrain from giving directions or making evaluations of personnel or operating procedures during their visits.

If a school visit leaves the parent(s)/guardian(s) with a concern, this concern should be discussed with the building Principal or Chancellor.

EAA of Michigan members who have students in the schools and therefore have parental/guardian opportunities to converse with their student's teacher, counselor, or administrator shall make it clear that they are speaking and/or visiting as the parent(s)/guardian(s) and not as a member of the EAA of Michigan.

Approved: _____

LEGAL REF: MCL 380.1137(b)(2)

7450 Complaints

All complaints regarding the EAA of Michigan should be resolved at the lowest possible administrative level.

About Policies

Complaints about policies of the EAA of Michigan should be directed to the Chancellor.

About Curriculum: Complaints about the curriculum of the EAA of Michigan should be directed to the Deputy Chancellor for Instructional Support and Educational Accountability.

About Instructional Materials

Complaints about specific instructional materials should be directed to the appropriate building Principal.

About Facilities and Services

Complaints about facilities and services should be directed to the Chancellor.

Approved _____

LEGAL REF: MCL 15.261 et seq.

7470 Loitering - Unauthorized Persons

Unauthorized persons loitering, about any school building, or on school grounds shall be asked to leave the premises. Any such person failing to leave the premises shall be considered to be in probable violation of disorderly conduct or trespassing statutes and law enforcement officers shall be notified and requested to remove the individual from the building or grounds.

Relations with Law Enforcement and Investigating Authorities

Cooperation with law enforcement agencies is essential for the protection of students, for maintaining a safe environment in the Education Achievement Authority of Michigan schools, and for safeguarding all school property.

The behavior of students outside of school hours and away from the school grounds is the responsibility of the parent(s)/guardian(s) rather than the educational system. It is the feeling of the EAA of Michigan that a student under suspicion of having committed a misdemeanor or crime at times or places outside the jurisdiction of the school authorities, is entitled to the guidance, assistance and protection of the parent(s)/ guardian(s). It is the preference of the EAA of Michigan that police questioning of students in the schools and during school hours are undertaken only after the parent(s)/guardian(s) has been duly notified and is present. The building Principal shall notify an investigating officer(s) of this preference and seek his/her (their) cooperation in waiting until parent(s)/guardian(s) have been duly notified and are present before questioning begins.

Because of the nature of such investigation and because of the statutory authority bestowed upon the Department of Human Services (DHS) concerning the investigation of child abuse, authorized agents of said department with proper identification shall be permitted to talk with students in school without the presence of the parent(s)/ guardian(s).

The EAA of Michigan recognizes that the DHS may, lawfully, interview a child alleged to have been abused without the presence of the building Principal or other school personnel. However, in appropriate cases, the Principal may request that he or she, or a designated representative, be present during the interview.

Approved _____

LEGAL REF: MCL 722.628

7620 Relations with Political Organizations

Political candidates or political parties shall be prohibited from promoting candidates or political party activities in school buildings during school hours except as they might be invited to speak,

either as part of a class project or as part of the instructional program, as provided in the policy on controversial speakers.

Such organizations may use school facilities according to EAA of Michigan policy. The circulation of petitions is not permissible when done during an employee's or student's assigned working hours.

Approved: _____

7670 Relations with Federal Governmental Authorities

The EAA of Michigan shall make every effort to keep its members informed of federal legislative proposals that affect schools. The Education Achievement Authority of Michigan may take positions on such issues and communicate such positions to its elected state and federal legislators either directly or through its state association. Copies of positions sent to legislators may be sent to the Michigan Association of School Education Achievement Authority of Michigan's as a matter of record. The Education Achievement Authority of Michigan shall encourage its members to take an active role in influencing federal legislation affecting schools.

Approved: _____

7720 Parent(s)/Guardian(s) and School Partnerships

The EAA of Michigan encourages parent(s)/guardian(s) involvement in the schools through programs and activities designed to increase parent(s)/guardian(s)-school communications and to involve parent(s)/guardian(s) in the development and implementation of educational policies and school programs.

The Chancellor is responsible for facilitating parent(s)/guardian(s) involvement in the schools by affording special consideration to single and working parent(s)/guardian(s). Schools should schedule meetings, programs, and events so that working parent(s)/guardian(s) can attend.

7790 Relationships with Booster Organizations

All school associated organizations, such as booster groups, which are formed to promote and assist in the financing of a given activity for the improvement of student education, shall be approved, and recognized by the Education Achievement Authority of Michigan. These organizations must keep on file in the principal's office a record of officers, bylaws, mailing addresses and other pertinent information.

All funds raised by booster organizations who wish to utilize the EAA of Michigan's 501c3 status shall be deposited in the appropriate trust and agency account at the central office. No funds thus deposited shall be disbursed without proper authorization; nor shall reimbursement be forthcoming without proper receipt.

All purchases by such organizations shall be billed directly to them and sent to their mailing addresses and not to the schools or the Education Achievement Authority of Michigan.

Equipment and material purchased by these organizations and presented to the school shall become the property of the school and under the control of the Education Achievement Authority of Michigan.

7900 Education Research Agencies

The contributions of appropriate educational research to teaching and school administration are recognized by the EAA of Michigan. The EAA of Michigan shall cooperate when possible with colleges, universities, and other recognized agencies to promote educational research that shall:

1. Increase professional knowledge of teaching and learning processes and the social setting in which they operate,
2. Sharpen perception of instructional and administrative problems,
3. Establish instructional and management objectives, and
4. Assess progress toward accomplishment of Education Achievement Authority of Michigan's objectives.

All requests for use of EAA of Michigan's staff, students, or facilities for purposes of educational research shall be submitted in writing to the Chancellor or his/her designee. The Chancellor's decision as to the appropriateness and value of the proposed research and whether or not to engage in the research/study shall be final.

7950 State Education Agency Relations

The EAA of Michigan seeks to cooperate fully with the rules and regulations of the Michigan State Department of Education.

The EAA of Michigan shall keep its members informed of state legislative proposals that affect schools. The EAA of Michigan may take positions on such issues and communicate such positions to legislators, legislative committees, or through its state association. Copies of positions sent to legislators and committees may be sent to the Michigan Association of School Boards Education Achievement Authority of Michigan's as a matter of record. The Education Achievement Authority of Michigan shall encourage its members to take an active role in influencing legislation affecting schools.

Approved: _____