



Book	Policy Manual
Section	Vol. 39, No. 1 - September 2024 MI
Title	Vol. 39, No. 1 - September 2024 - MI OVERVIEW
Code	01 - OVERVIEW
Status	From Neola



POLICY UPDATE SERVICE
PROVIDED BY NEOLA, INC.

MI LOCAL UPDATE OVERVIEW AND COMMENTS

VOLUME 39 NUMBER 1

SEPTEMBER 2024

MASB Policy Services Provided by Neola

Effective policies are at the core of successful school district governance. Maintaining policies that reflect both local oversight and ever-changing state and federal laws is an enormous task. School board members can rely on the MASB-Neola Partnership to keep their policy manuals up-to-date. Under this partnership, Neola provides comprehensive policy services for MASB members on behalf of MASB. Working together, MASB and Neola produce uniform school policies and guidelines to better serve all Michigan school districts.

Policy Development and Updating

Neola, with assistance from MASB if and when needed, will work with the board, administrators, and committee(s) to develop a comprehensive policy manual that suits your district's needs. Each manual is based on templates that have been thoughtfully prepared, then vetted by Neola's outside counsel and MASB's legal counsel. These templates are customized to the district's unique circumstances through choices made by the board and administrative team. The bylaws, policies, and administrative rules/regulations are a unique collection assembled by educators and attorneys. The end result will be a policy manual that's in line with law and court decisions containing legal citations, footnoted reference material, and will be searchable by keyword or phrase.

OVERVIEW AND COMMENTS

All production-related materials and questions should be directed to the Production Office at 632 Main Street, Coshocton, Ohio 43812 (phone: 800-407-5815 or 740-622-5341, e-mail: production@neola.com). Billing questions should be directed to the Stow Office at 3914 Clock Pointe Trail, Suite 103, Stow, Ohio 44224 (phone 330-926-0514, e-mail: accounts@neola.com).

Please do not retype Neola materials before returning them for processing. We prefer to have the original materials returned after you have marked them indicating which changes and additions you choose to have/not have for your District. If a District chooses not to adopt a policy or an administrative guideline, the District is still obligated to follow applicable Federal and State laws relating to that section.

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

If a policy or guideline is marked as a revision, the changes have been marked in bold/green font (to add material) and crossed out/red font (to delete material). As you review a revised policy or guideline, you may choose to accept one (1), many, or all of the changes provided. If a policy or guideline is marked as a replacement, that means there have been enough changes made that justify a complete, clean replacement copy. As you review a replacement policy or guideline, you should also check the materials you have in your current policy or guideline to see if there is some District/other specific wording you want to be included in the replacement policy. If so, any wording from the current policy should be added using "Track Changes" in the BoardDocs platform in the replacement policy or guideline before returning it electronically to the Production Office for processing.

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

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

As the Update "season" gets underway, Neola offers some suggestions for accessing the comprehensive policy services through your Neola Associate. While "in-person" consultation sessions are the preferred method for Neola Update "visits", the means by which you and your Neola associate accomplish this review should be mutually determined based on availability and level of comfort with the consultation process. Overall, health and safety are the primary concerns. Your Neola associate will be in contact with you soon to discuss these options with you and to schedule an appointment to review this update and ensure you are current on this and previous updates. Please consider the following options:

- A. schedule an appointment date/time to review the update materials during an in-person conference;
- B. schedule/reschedule update or drafting visits for a later time;
- C. schedule an appointment date/time to review the update materials via a virtual meeting such as Google Meet or other electronic options; or
- D. schedule an appointment date/time to review the update materials in a telephone conference.

If you are not an administrative guidelines client, you did not receive those materials in this packet. Contact your Associate for more information about becoming an administrative guidelines client.

Processing Update Materials

If you will be making changes to these Update documents electronically, use the "Track Changes" editing tool in the BoardDocs platform to mark the Neola materials indicating which of the proposed revisions and additions you choose to include or not include for your District, or to make additional edits, before returning them electronically for processing. Be sure to leave the "track changes" and marked up version as the one you submit to the Production office in Coshocton, Ohio.

District-Specific Material

If the District chooses during any step of the Update process to incorporate District-specific material into a new policy or guideline that has been proposed, or to insert District-specific material into a current policy or guideline for which revisions have been proposed in an update issued by Neola, then the District agrees to hold Neola harmless for those District-specific edits and acknowledges that Neola's warranty for legal challenges to that District-specific language in that policy or guideline will not be in effect. In addition, Neola retains ownership of the text from the original policy template that remains in a policy to which District-specific material has been added. District-specific materials include the following:

- A. materials from the District's existing materials that the District requests be incorporated during the drafting process;
- B. new materials that the District develops in their entirety and exclusive of Neola; and
- C. revisions or deletions that substantively depart from Neola's templates.

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

FY 2023-24 Thresholds for Competitive Bids, Value of Awards, and Gifts

The Michigan Department of Education (MDE) provides updated information on statutory requirements that determine thresholds for competitive bids and value of awards and gifts. The fiscal year 2023-24 base for M.C.L.s 380.623a, 380.1267, and 380.1274 is \$29,572. There are changes to the limits on the value of awards given by an ISD to an employee, volunteer, or pupil, as well as the value above which an ISD administrator may not accept a gift from a vendor or potential vendor. The fiscal year 2023-24 upper limit (M.C.L. 380.634) for awards is \$169 and the cap for gifts is \$73.

Notice Regarding Legal Accuracy

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

Policies in this update have been reviewed by Varnum, LLP (Grand Rapids, MI) for consistency with Federal and State law.

LEGAL ALERTS

Included with this update are five (5) legal alerts. These include:

- 03 - Legal Alert - Sexual Assault/Harassment Information for the 2024-25 Academic Year
- 04 - Legal Alert - Current Status of Law Regarding Transgender Students' Use of Bathrooms and Locker Rooms
- 05 - Legal Alert - Highlighted Topics (Senate Bill 518)

POLICIES

Policy 2264 - Nondiscrimination on the Basis of Sex in Education Programs or Activities (Technical Correction)

An instance of "notice of discrimination" has been changed to "notice of nondiscrimination."

Policy 3120.08 - Employment of Personnel for Co-Curricular/Extra-Curricular Activities (Revised)

Public Act 37 makes it necessary to require any individual serving as a high school athletic coach to hold a valid certification in CPR and the use of an AED beginning with the 2025-2026 school year. This policy has been revised to reflect this forthcoming requirement.

Policy 5330.02 - Opioid Antagonists (Revised)

This policy has been revised to reference Narcan, to make it easier to find in searches of this manual, and miscellaneous grammar/punctuation changes.

Policy 5340 - Student Accidents (Revised)

Public Act 36 makes it necessary to develop a cardiac response plan. This policy has been revised to reflect this requirement.

Policy 5500 - Student Conduct (Revised)

This policy has been revised to include provisions addressing use of academic honesty and optional provisions addressing use of artificial intelligence (AI).

Policy 7440.03 - Small Unmanned Aircraft Systems (Technical Correction)

This template has been updated to cross-reference the appropriate administrative guideline and miscellaneous corrections to grammar/punctuation.

Policy 7540.09 - Artificial Intelligence ("AI") (New)

This policy has been added to address the use of artificial intelligence (AI) by district staff and students. We anticipate that this policy will evolve as this tool evolves.

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

This policy has been revised to reflect the updated requirements of the Michigan State Police (MSP).

ADMINISTRATIVE GUIDELINES

AG 5605A - Disciplining Students With Disabilities (IDEA Eligible) (Revised)

This guideline has been revised to reflect that student removal to an alternative education setting for not more than forty-five (45) school days and misc. grammar/punctuation corrections.

AG 8452 - Use of Automated External Defibrillators (AED) (Technical Correction)

Technical correction to include a cross-reference to Board Policy 3120.08 - Employment of Personnel for Co-Curricular/Extra-Curricular Activities and miscellaneous corrections to grammar/punctuation.

COMMENTS

Reviewing Board Minutes

A feature of your subscription to the Update Service is the review of your District's Board minutes to identify actions that result in new policy or revision to existing policy. If such action has been taken and copies of the related materials have not been submitted to the Coshocton Office, the District will be contacted and additional information regarding the action will be requested. Please take advantage of this valuable service by sending copies of your Board minutes to the Coshocton Office for review.



Book	Policy Manual
Section	Vol. 39, No. 1 - EDGAR UGG - September 2024 MI
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POLICY UPDATE SERVICE
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MI LOCAL UPDATE OVERVIEW AND COMMENTS

VOLUME 39, NUMBER 1 - EDGAR/UGG REVISIONS

SEPTEMBER 2024

This Special Update is issued to Neola Clients in response to the April 2024 release of revisions to the Uniform Grant Guidance regulations.

The Office of Management and Budget (OMB) revised several parts of the OMB Guidance for Grants and Agreements, now called the OMB Guidance for Federal Financial Assistance, located in title 2 of the Code of Federal Regulations (CFR). When the Office of Management and Budget (OMB) officially released revisions to the Uniform Guidance all Federal agencies, including the Department of Education (ED), were to ensure the 2024 revisions were effective for all Federal awards issued on or after October 1, 2024. However, per ED's guidance, recipients of Federal fiscal year 2024 State-administered formula grants (such as Title I and IDEA-B) issued on or after July 1, 2024, could implement the revised 2024 Uniform Guidance effective July 1, 2024, provided that they have revised any applicable State policies and procedures.

For Federal grants issued prior to July 1, 2024 and the close-out spending and reporting, the earlier regulations and policies should remain in effect through September 30, 2024, unless notified otherwise by the awarding agency or MDE.

OMB revised its guidance and the regulations in 2 CFR for the purpose of:

- incorporating statutory requirements and administration priorities;
- reducing agency and recipient burden;
- clarifying sections that recipients or agencies have interpreted in different ways; and
- rewriting applicable sections in plain language, improving flow, and addressing inconsistent use of terms within the guidance.

OMB's revisions are intended to improve Federal financial assistance management, transparency, and oversight through more accessible and easily understandable guidance.

Neola has conducted a thorough review of policy and administrative guidelines templates and is providing appropriate revisions and additions in this special update to assist districts in meeting compliance standards put forth by OMB. Policy documents in this special update have been reviewed by Brustein & Manasevit, PLLC Attorneys at Law and by Varnum, L.L.P. (Grand Rapids, MI) for consistency with Federal and State law, respectively.

Significant work, however, will be necessary for each district to draft and/or revise the required procedures for a variety of functions. Neola will, upon request, process and post districts' procedures/manuals as electronic links to provide for convenient flow from policy to administrative guidelines to district procedure.

This Update includes the following documents:

POLICIES

Policy 1130/3113/4113 – Conflict of Interest

Policy 6110 – Grant Funds (Uniform Grant Guidance)

Policy 6111 – Internal Controls

Policy 6112 – Cash Management of Grants

Policy 6114 – Cost Principles – Spending Federal Funds

Policy 6325 – Procurement – Federal Grants/Funds

Policy 6550 – Travel Payment & Reimbursement

Policy 7310 – Disposition of Surplus Property

Policy 7450 – Property Inventory

ADMINISTRATIVE GUIDELINES

AG 6325 - Procurement - Federal Grants

AG 6550 - Travel Payment & Reimbursement

AG 7450 - Property Inventory

If you have questions about any of these Special Update materials, please contact your Neola Associate. All production-related materials and questions should be directed to the Production Office - Coshocton at 632 Main Street, Coshocton, Ohio 43812 (phone: 800-407-5815 or email: production@neola.com). Billing and other questions should be directed to the Business Office - Stow at 3914 Clock Pointe Trail, Suite 103, Stow, Ohio 44224 (phone: 330-926-0514, fax: 330-926-0525, email: accounts@neola.com).



Book	Policy Manual
Section	Vol. 39, No. 1 - EDGAR UGG - September 2024 MI
Title	Vol. 39, No. 1 - EDGAR UGG - September 2024 Revised CONFLICT OF INTEREST
Code	po1130
Status	
Adopted	December 14, 2009
Last Revised	August 8, 2016

Revised Policy - Vol. 39, No. 1 - EDGAR/UGG Revisions

1130 - CONFLICT OF INTEREST

Staff members, officers, and agents shall perform their official duties in a manner free from conflict of interest. To this end:

- A. The maintenance of unusually high standards of honesty, integrity, impartiality, and professional conduct by the ~~School~~ District's Board members, employees, officers, and agents is essential to ensure the proper performance of school business as well as to earn and keep public confidence in the ~~School~~ District.

To accomplish this, the Board of Education has adopted the following guidelines which apply to all District employees, officers, ~~and agents~~, ~~and Board members~~ including members of the Board to assure that conflicts of interest do not occur. These guidelines are not intended to be all-inclusive, nor to substitute for good judgment on the part of all employees, officers, ~~agents, and Board members~~ and agents.

1. No employee, officer, ~~or agent~~, ~~or Board member~~ shall engage in or have a financial or other interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with ~~the employee's, officer's, agent's, or Board member's~~ his/her duties and responsibilities in the school system. When a staff member determines that the possibility of a personal interest conflict exists, ~~the staff members/he~~ should, prior to the matter being considered by the Board or administration, disclose ~~the staff member's~~ his/her interest (such disclosure shall become a matter of record in the minutes of the Board).
2. No staff member, officer, ~~or agent~~, ~~or Board member~~ shall use ~~their~~ his/her position to benefit either ~~themselves~~ himself/herself or any other individual or agency apart from the total interest of the ~~School~~ District.
3. If the financial interest pertains to a proposed contract with the District, the following requirements must be met.

The staff member, officer, ~~or agent~~, ~~or Board member~~ shall disclose the direct financial interest in the contract to the Board with such disclosure made a part of the official Board minutes. If ~~the~~ his/her direct financial interest amounts to \$250 or more or five percent (5%) or more of the contract cost to the District, the staff member, officer, ~~or agent~~, ~~or Board member~~ shall make the disclosure in one (1) of two (2) ways:

- a. In writing, to the Board President at least seven (7) days prior to the meeting at which the vote on the contract will be taken. The disclosure shall be made public in the same manner as the Board's notices of its public meetings. (See Bylaw 0165)

- b. By announcement at a meeting at least seven (7) days prior to the meeting at which a vote on the contract is to be taken. The staff member, officer, ~~or agent,~~ or Board member must use this method of disclosure if ~~the his/her~~ financial interest amounts to \$5,000 or more.
4. Employees, officers, ~~and agents,~~ and Board members shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship ~~the employee, officer, agent, or Board member~~ they may have with any student, client, or parents of such students or clients in the course of ~~the employee's, officer's, agent's, or Board member's~~ their employment or professional relationship with the ~~School~~ District.
- Included, by way of illustration rather than limitation, are the following:
- the provision of any private lessons or services for a fee
 - the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the employee's, officer's, ~~or agent's,~~ or Board member's employment or professional relationship with the District through ~~his/her~~ access to ~~School~~ District records
 - the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals
 - the requirement of students or clients to purchase any private goods or services provided by an employee, officer, ~~or agent,~~ or Board member, or any business or professional practitioner with whom any employee, officer, ~~or agent,~~ or Board member has a financial or other relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations
5. Employees, officers, ~~and agents,~~ and Board members shall not make use of materials, equipment, or facilities of the ~~School~~ District in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.
- B. Should exceptions to this policy be necessary in order to provide services to students or clients of the ~~School~~ District, all such exceptions will be made known to the employee's supervisor and will be disclosed to the Superintendent before entering into any private relationship.
- C. ~~No employee, officer, agent, or Board member with a real or apparent conflict of interest may participate in the selection, award, or administration of a contract supported by the Federal award. A conflict of interest includes when the employee, officer, agent, or Board member, any member of their immediate family, their partner, or an organization that employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from an entity considered for a contract. Employees, officers, and agents can not participate in the selection, award, or administration of a contract supported by a Federal grant/award if s/he has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the parties described in this section, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.~~

[SELECT OPTION #1 OR OPTION #2]

[OPTION #1]

~~An employee, officer, agent, and Board member of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors [] Employees, officers, and agents can not solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.~~

[OR]OR

[OPTION #2]

~~Pursuant to Federal rules, the District has set standards for situations where the financial interest is not substantial or the gift is an unsolicited item of nominal value. For purposes of this section, "nominal value" means that the gift has a monetary value of \$ 73 or less [] Employees, officers, and agents shall not solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts involved with Federal grant funds. Employees, officers, and agents may, however, accept a gift of unsolicited items of "nominal value" from a contractor~~

or party to subcontracts that do not involve Federal grant funds. For purposes of this section, "nominal value" means that the gift has a monetary value of \$ _____ or less.

[END OF OPTIONS]

[In accordance with M.C.L. 380.634, the Michigan Department of Education (MDE) adjusts the limits on the value of gifts that may be accepted from vendors or potential vendors for Intermediate School District employees. The fiscal year ~~2023-2024~~2021-22 cap for gifts was \$7364.]

- D. ~~If to the extent that~~ the District has a parent, affiliate, or subsidiary organization that is not a State, local government, or Indian tribe, the ~~School~~District may not conduct a procurement action involving the parent, affiliate, or subsidiary organization if the ~~School~~District is unable, or appears to be unable, to be impartial **in conducting a procurement action involving a related organization.**
- E. Employees, officers, ~~and~~ agents, **and Board members** must **promptly** disclose any potential conflict of interest which may lead to a violation of this policy to the ~~School~~District. Upon discovery of any potential conflict of interest, the ~~School~~District will disclose, in writing, the potential conflict of interest to the appropriate Federal ~~awarding~~ agency or, if applicable, the pass-through entity.

The District will also **promptly disclose whenever, in connection with the Federal award (including any activities or subawards thereunder), it has credible evidence of the commission of a violation of Federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in Title 18 of the United States Code or a violation of the civil False Claims Act (31 U.S.C. 3729-3733). The disclosure must be made in writing to the Federal agency, the agency's Office of Inspector General, and pass-through entity. The District is also required to report matters related to recipient integrity and performance in accordance with Appendix XII of 2 C.F.R. Part 200**~~disclose, in a timely manner, all violations of Federal criminal law involving fraud, bribery, or gratuity that affect a Federal award to the appropriate Federal awarding agency or, if applicable, the pass through entity.~~

- F. Employees, officers, ~~and~~ agents, **and Board members** found to be in violation of this conflict of interest policy will be subject to disciplinary action, up to and including termination, as permitted by applicable Board policy.

[DRAFTING NOTE: The ~~School~~District has discretion over the appropriate disciplinary actions. For example, the ~~School~~District may suspend or terminate the individual's employment, transfer the individual, end the District's professional relationship with that individual, or temporarily re-assign the individual. All disciplinary actions must be in accordance with applicable Federal, State, and local law, as well as any collectively bargained agreements.]

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Legal 2 C.F.R. 200.112, 200.113, 200.318
M.C.L. 380.634, 380.1805(1)



Book	Policy Manual
Section	Vol. 39, No. 1 - EDGAR UGG - September 2024 MI
Title	Vol. 39, No. 1 - EDGAR UGG - September 2024 Revised CONFLICT OF INTEREST
Code	po3110
Status	
Adopted	December 14, 2009
Last Revised	August 8, 2016

Revised Policy - Vol. 39, No. 1 - EDGAR/UGG Revisions

3110 - CONFLICT OF INTEREST

Staff members, officers, and agents shall perform their official duties in a manner free from conflict of interest. To this end:

- A. The maintenance of unusually high standards of honesty, integrity, impartiality, and professional conduct by the ~~School~~ District's Board members, employees, officers, and agents is essential to ensure the proper performance of school business as well as to earn and keep public confidence in the ~~School~~ District.

To accomplish this, the Board of Education has adopted the following guidelines which apply to all District employees, officers, ~~and agents~~, ~~and Board members~~ including members of the Board to assure that conflicts of interest do not occur. These guidelines are not intended to be all-inclusive, nor to substitute for good judgment on the part of all employees, officers, ~~agents, and Board members~~ and agents.

1. No employee, officer, ~~or agent~~, ~~or Board member~~ shall engage in or have a financial or other interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with ~~the employee's, officer's, agent's, or Board member's~~ his/her duties and responsibilities in the school system. When a staff member determines that the possibility of a personal interest conflict exists, ~~the staff members/he~~ should, prior to the matter being considered by the Board or administration, disclose ~~the staff member's~~ his/her interest (such disclosure shall become a matter of record in the minutes of the Board).
2. No staff member, officer, ~~or agent~~, ~~or Board member~~ shall use ~~their~~ his/her position to benefit either ~~themselves~~ himself/herself or any other individual or agency apart from the total interest of the ~~School~~ District.
3. If the financial interest pertains to a proposed contract with the District, the following requirements must be met.

The staff member, officer, ~~or agent~~, ~~or Board member~~ shall disclose the direct financial interest in the contract to the Board with such disclosure made a part of the official Board minutes. If ~~the~~ his/her direct financial interest amounts to \$250 or more or five percent (5%) or more of the contract cost to the District, the staff member, officer, ~~or agent~~, ~~or Board member~~ shall make the disclosure in one (1) of two (2) ways:

- a. In writing, to the Board President at least seven (7) days prior to the meeting at which the vote on the contract will be taken. The disclosure shall be made public in the same manner as the Board's notices of its public meetings. (See Bylaw 0165)

- b. By announcement at a meeting at least seven (7) days prior to the meeting at which a vote on the contract is to be taken. The staff member, officer, ~~or agent,~~ **or Board member** must use this method of disclosure if ~~the his/her~~ financial interest amounts to \$5,000 or more.
4. Employees, officers, ~~and agents,~~ **and Board members** shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship ~~the employee, officer, agent, or Board member~~ **they** may have with any student, client, or parents of such students or clients in the course of ~~the employee's, officer's, agent's, or Board member's~~ **their** employment or professional relationship with the ~~School~~ District.
- Included, by way of illustration rather than limitation, are the following:
- the provision of any private lessons or services for a fee
 - the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the employee's, officer's, ~~or agent's,~~ **or Board member's** employment or professional relationship with the District through ~~his/her~~ access to ~~School~~ District records
 - the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals
 - the requirement of students or clients to purchase any private goods or services provided by an employee, officer, ~~or agent,~~ **or Board member**, or any business or professional practitioner with whom any employee, officer, ~~or agent,~~ **or Board member** has a financial or other relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations
5. Employees, officers, ~~and agents,~~ **and Board members** shall not make use of materials, equipment, or facilities of the ~~School~~ District in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.
- B. Should exceptions to this policy be necessary in order to provide services to students or clients of the ~~School~~ District, all such exceptions will be made known to the employee's supervisor and will be disclosed to the Superintendent before entering into any private relationship.
- C. **No employee, officer, agent, or Board member with a real or apparent conflict of interest may participate in the selection, award, or administration of a contract supported by the Federal award. A conflict of interest includes when the employee, officer, agent, or Board member, any member of their immediate family, their partner, or an organization that employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from an entity considered for a contract.** ~~Employees, officers, and agents can not participate in the selection, award, or administration of a contract supported by a Federal grant/award if s/he has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the parties described in this section, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.~~

[SELECT OPTION #1 OR OPTION #2]

[OPTION #1]

An employee, officer, agent, and Board member of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors ~~[] Employees, officers, and agents can not solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.~~

[OR]OR

[OPTION #2]

Pursuant to Federal rules, the District has set standards for situations where the financial interest is not substantial or the gift is an unsolicited item of nominal value. For purposes of this section, "nominal value" means that the gift has a monetary value of \$ 73 or less ~~[] Employees, officers, and agents shall not solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts involved with Federal grant funds. Employees, officers, and agents may, however, accept a gift of unsolicited items of "nominal value" from a contractor~~

or party to subcontracts that do not involve Federal grant funds. For purposes of this section, "nominal value" means that the gift has a monetary value of \$ _____ or less.

[END OF OPTIONS]

[In accordance with M.C.L. 380.634, the Michigan Department of Education (MDE) adjusts the limits on the value of gifts that may be accepted from vendors or potential vendors for Intermediate School District employees. The fiscal year ~~2023-2024~~2021-22 cap for gifts was \$7364.]

- D. ~~If to the extent that~~ the District has a parent, affiliate, or subsidiary organization that is not a State, local government, or Indian tribe, the ~~School~~ District may not conduct a procurement action involving the parent, affiliate, or subsidiary organization if the ~~School~~ District is unable, or appears to be unable, to be impartial **in conducting a procurement action involving a related organization.**
- E. Employees, officers, ~~and~~ agents, **and Board members** must **promptly** disclose any potential conflict of interest which may lead to a violation of this policy to the ~~School~~ District. Upon discovery of any potential conflict of interest, the ~~School~~ District will disclose, in writing, the potential conflict of interest to the appropriate Federal ~~awarding~~ agency or, if applicable, the pass-through entity.

The District will also **promptly disclose whenever, in connection with the Federal award (including any activities or subawards thereunder), it has credible evidence of the commission of a violation of Federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in Title 18 of the United States Code or a violation of the civil False Claims Act (31 U.S.C. 3729-3733). The disclosure must be made in writing to the Federal agency, the agency's Office of Inspector General, and pass-through entity. The District is also required to report matters related to recipient integrity and performance in accordance with Appendix XII of 2 C.F.R. Part 200** ~~disclose, in a timely manner, all violations of Federal criminal law involving fraud, bribery, or gratuity that affect a Federal award to the appropriate Federal awarding agency or, if applicable, the pass through entity.~~

- F. Employees, officers, ~~and~~ agents, **and Board members** found to be in violation of this conflict of interest policy will be subject to disciplinary action, up to and including termination, as permitted by applicable Board policy.

[DRAFTING NOTE: The ~~School~~ District has discretion over the appropriate disciplinary actions. For example, the ~~School~~ District may suspend or terminate the individual's employment, transfer the individual, end the District's professional relationship with that individual, or temporarily re-assign the individual. All disciplinary actions must be in accordance with applicable Federal, State, and local law, as well as any collectively bargained agreements.]

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Legal 2 C.F.R. 200.112, 200.113, 200.318
M.C.L. 380.634, 380.1805(1)



Book	Policy Manual
Section	Vol. 39, No. 1 - EDGAR UGG - September 2024 MI
Title	Vol. 39, No. 1 - EDGAR UGG - September 2024 Revised CONFLICT OF INTEREST
Code	po4110
Status	
Adopted	December 14, 2009
Last Revised	August 8, 2016

Revised Policy - Vol. 39, No. 1 - EDGAR/UGG Revisions

4110 - CONFLICT OF INTEREST

Staff members, officers, and agents shall perform their official duties in a manner free from conflict of interest. To this end:

- A. The maintenance of unusually high standards of honesty, integrity, impartiality, and professional conduct by the ~~School~~ District's Board members, employees, officers, and agents is essential to ensure the proper performance of school business as well as to earn and keep public confidence in the ~~School~~ District.

To accomplish this, the Board of Education has adopted the following guidelines which apply to all District employees, officers, ~~and agents~~, ~~and Board members including members of the Board~~ to assure that conflicts of interest do not occur. These guidelines are not intended to be all-inclusive, nor to substitute for good judgment on the part of all employees, officers, ~~agents, and Board members and agents~~.

1. No employee, officer, ~~or agent~~, ~~or Board member~~ shall engage in or have a financial or other interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with ~~the employee's, officer's, agent's, or Board member's~~ his/her duties and responsibilities in the school system. When a staff member determines that the possibility of a personal interest conflict exists, ~~the staff members/he~~ should, prior to the matter being considered by the Board or administration, disclose ~~the staff member's~~ his/her interest (such disclosure shall become a matter of record in the minutes of the Board).
2. No staff member, officer, ~~or agent~~, ~~or Board member~~ shall use ~~their~~ his/her position to benefit either ~~themselves~~ himself/herself or any other individual or agency apart from the total interest of the ~~School~~ District.
3. If the financial interest pertains to a proposed contract with the District, the following requirements must be met.

The staff member, officer, ~~or agent~~, ~~or Board member~~ shall disclose the direct financial interest in the contract to the Board with such disclosure made a part of the official Board minutes. If ~~the~~ his/her direct financial interest amounts to \$250 or more or five percent (5%) or more of the contract cost to the District, the staff member, officer, ~~or agent~~, ~~or Board member~~ shall make the disclosure in one (1) of two (2) ways:

- a. In writing, to the Board President at least seven (7) days prior to the meeting at which the vote on the contract will be taken. The disclosure shall be made public in the same manner as the Board's notices of its public meetings. (See Bylaw 0165)

- b. By announcement at a meeting at least seven (7) days prior to the meeting at which a vote on the contract is to be taken. The staff member, officer, ~~or agent,~~ **or Board member** must use this method of disclosure if ~~the his/her~~ financial interest amounts to \$5,000 or more.
4. Employees, officers, ~~and agents,~~ **and Board members** shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship ~~the employee, officer, agent, or Board member~~ **they** may have with any student, client, or parents of such students or clients in the course of ~~the employee's, officer's, agent's, or Board member's~~ **their** employment or professional relationship with the ~~School~~ District.
- Included, by way of illustration rather than limitation, are the following:
- the provision of any private lessons or services for a fee
 - the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the employee's, officer's, ~~or agent's,~~ **or Board member's** employment or professional relationship with the District through ~~his/her~~ access to ~~School~~ District records
 - the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals
 - the requirement of students or clients to purchase any private goods or services provided by an employee, officer, ~~or agent,~~ **or Board member**, or any business or professional practitioner with whom any employee, officer, ~~or agent,~~ **or Board member** has a financial or other relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations
5. Employees, officers, ~~and agents,~~ **and Board members** shall not make use of materials, equipment, or facilities of the ~~School~~ District in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.
- B. Should exceptions to this policy be necessary in order to provide services to students or clients of the ~~School~~ District, all such exceptions will be made known to the employee's supervisor and will be disclosed to the Superintendent before entering into any private relationship.
- C. **No employee, officer, agent, or Board member with a real or apparent conflict of interest may participate in the selection, award, or administration of a contract supported by the Federal award. A conflict of interest includes when the employee, officer, agent, or Board member, any member of their immediate family, their partner, or an organization that employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from an entity considered for a contract.** ~~Employees, officers, and agents can not participate in the selection, award, or administration of a contract supported by a Federal grant/award if s/he has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the parties described in this section, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.~~

[SELECT OPTION #1 OR OPTION #2]

[OPTION #1]

An employee, officer, agent, and Board member of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors ~~[] Employees, officers, and agents can not solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.~~

[OR]OR

[OPTION #2]

Pursuant to Federal rules, the District has set standards for situations where the financial interest is not substantial or the gift is an unsolicited item of nominal value. For purposes of this section, "nominal value" means that the gift has a monetary value of \$ 73 or less ~~[] Employees, officers, and agents shall not solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts involved with Federal grant funds. Employees, officers, and agents may, however, accept a gift of unsolicited items of "nominal value" from a contractor~~

or party to subcontracts that do not involve Federal grant funds. For purposes of this section, "nominal value" means that the gift has a monetary value of \$ _____ or less.

[END OF OPTIONS]

[In accordance with M.C.L. 380.634, the Michigan Department of Education (MDE) adjusts the limits on the value of gifts that may be accepted from vendors or potential vendors for Intermediate School District employees. The fiscal year ~~2023-2024~~2021-22 cap for gifts was \$7364.]

- D. ~~If to the extent that~~ the District has a parent, affiliate, or subsidiary organization that is not a State, local government, or Indian tribe, the ~~School~~ District may not conduct a procurement action involving the parent, affiliate, or subsidiary organization if the ~~School~~ District is unable, or appears to be unable, to be impartial **in conducting a procurement action involving a related organization.**
- E. Employees, officers, ~~and~~ agents, **and Board members** must **promptly** disclose any potential conflict of interest which may lead to a violation of this policy to the ~~School~~ District. Upon discovery of any potential conflict of interest, the ~~School~~ District will disclose, in writing, the potential conflict of interest to the appropriate Federal ~~awarding~~ agency or, if applicable, the pass-through entity.

The District will also **promptly disclose whenever, in connection with the Federal award (including any activities or subawards thereunder), it has credible evidence of the commission of a violation of Federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in Title 18 of the United States Code or a violation of the civil False Claims Act (31 U.S.C. 3729-3733). The disclosure must be made in writing to the Federal agency, the agency's Office of Inspector General, and pass-through entity. The District is also required to report matters related to recipient integrity and performance in accordance with Appendix XII of 2 C.F.R. Part 200** ~~disclose, in a timely manner, all violations of Federal criminal law involving fraud, bribery, or gratuity that affect a Federal award to the appropriate Federal awarding agency or, if applicable, the pass through entity.~~

- F. Employees, officers, ~~and~~ agents, **and Board members** found to be in violation of this conflict of interest policy will be subject to disciplinary action, up to and including termination, as permitted by applicable Board policy.

[DRAFTING NOTE: The ~~School~~ District has discretion over the appropriate disciplinary actions. For example, the ~~School~~ District may suspend or terminate the individual's employment, transfer the individual, end the District's professional relationship with that individual, or temporarily re-assign the individual. All disciplinary actions must be in accordance with applicable Federal, State, and local law, as well as any collectively bargained agreements.]

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Legal 2 C.F.R. 200.112, 200.113, 200.318
M.C.L. 380.634, 380.1805(1)



Book	Policy Manual
Section	Vol. 39, No. 1 - September 2024 MI
Title	Vol. 39, No. 1 - September 2024 Technical Correction SMALL UNMANNED AIRCRAFT SYSTEMS
Code	po7440.03
Status	
Adopted	January 20, 2020
Last Revised	January 16, 2023

Technical Correction - Vol. 39, No. 1

7440.03 - SMALL UNMANNED AIRCRAFT SYSTEMS

[OPTION 1]

~~The Board prohibits the operation of small Unmanned Aircraft Systems ("sUAS"), commonly known as drones, at any time on property owned, leased, or contracted for by the Board by any individual, whether the individual is employed by the District or not.~~

~~The Board also prohibits the operation of a sUAS ("drone") on property owned, leased, or contracted for by the Board during District sponsored contests (including scrimmages and previews), practices, tournaments, and activities under the auspices of the Michigan High School Athletic Association ("MHSAA"). District officials may deny admission or entry to anyone attempting to use a sUAS until the event has been completed. Any exceptions to this prohibition must be approved in advance by the Superintendent.~~

~~Any individual who violates this policy () may be () shall be [END OF OPTION] referred to local law enforcement.~~

[END OF OPTION 1]

{OR}

[OPTION 2]

The Board prohibits the operation of small Unmanned Aircraft Systems ("sUAS") at any time by any individual who is not employed by the District, as well as by any District staff member or administrator who is not expressly authorized to do so by the Superintendent, on property owned, leased, or contracted for by the Board.

The Board also prohibits the operation of a sUAS ("drone") on property owned, leased, or contracted for by the Board during District-sponsored contests (including scrimmages and previews), practices, tournaments, and activities under the auspices of the Michigan High School Athletic Association ("MHSAA"). District officials may deny admission or entry to anyone attempting to use a sUAS until the event has been completed. Any exceptions to this prohibition must be approved in advance by the Superintendent.

To be authorized to operate a drone on property owned, leased, or contracted for by the Board, a staff member or administrator must have a Remote Pilot Certificate issued by the Federal Aviation Administration ("FAA"). Further, the drone must be registered with the FAA and properly marked in accordance with 14 C.F.R. Part 107.

A staff member or administrator authorized to operate a drone on property owned, leased, or contracted for by the Board, must also comply with all rules set forth in 14 C.F.R. Part 107. (See AG ~~7440.03~~)

Failure to adhere by all rules set forth in 14 C.F.R. Part 107 and AG ~~7440.03~~ may result in loss of authorization to operate a drone on property owned, leased, or contracted for by the Board, referral to local law enforcement, and/or further disciplinary action, up to and including termination.

[END OF OPTION 2]

[END OF OPTIONS]

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86 FR 4314

14 C.F.R. Part 107



Book	Policy Manual
Section	Vol. 39, No. 1 - September 2024 MI
Title	Vol. 39, No. 1 - September 2024 Revised OPIOID ANTAGONISTS
Code	po5330.02
Status	

Revised Policy - Vol. 39, No. 1

5330.02 - OPIOID ANTAGONISTS

The Board has determined that it is in the best interests of its students and employees to have opioid antagonists available to be administered, if necessary, by appropriately trained personnel. Therefore, the Board adopts this policy to govern the handling and administration of opioid antagonists consistent with the following processes, procedures, and limitations.

The District shall purchase opioid antagonists and distribute the opioid antagonists to an employee or agent of the District who has been trained in the administration of that opioid antagonist. An opioid antagonist is naloxone hydrochloride, Narcan, or any other similarly acting and equally safe drug approved by the U.S. Food and Drug Administration for the treatment of drug overdose.

A District employee or agent may possess an opioid antagonist distributed to that employee or agent and may administer that opioid antagonist to an individual only if both of the following apply:

- A. The employee or agent has been trained in the proper administration of that opioid antagonist.
- B. The employee or agent has reason to believe that the individual is experiencing an opioid-related overdose.

~~[] [OPTIONAL LANGUAGE]~~

~~Each school in the District shall have at least () two (2) () _____ [END OF OPTION] employees who have been trained in the appropriate use and administration of an opioid antagonist. The training shall be done in a manner that has been approved by () a licensed registered professional nurse () _____ [END OF OPTION]. Only an appropriately trained school employee or agent may possess and administer an opioid antagonist.~~

~~Each school in the District shall possess at least one (1) package of an opioid antagonist on-site. The opioid antagonist may be administered by a trained school employee or agent to a student or other individual on school grounds who is believed to be having an opioid related overdose.~~

~~[END OF OPTIONAL LANGUAGE]~~

~~An opioid related overdose is a condition, including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death, that results from the consumption or use of an opioid or another substance with which an opioid was combined or that a reasonable person would believe to be an opioid related overdose that requires medical assistance.~~

~~Any school personnel who have reason to believe that a student is having an opioid related overdose must call 911.~~

~~[SELECT ANY OR NONE OF THE FOLLOWING OPTIONS]~~

~~[] Any person who administers an opioid antagonist to a student shall promptly notify the () student's parent/guardian. () _____, who shall be responsible for promptly notifying the student's parent/guardian that an injection has been administered.~~

~~[] The person who notifies the student's parent/guardian must encourage the parent or guardian to seek treatment for the student from a substance use disorder services program.~~

~~[] It shall be the responsibility of the _____ **[insert person or position]** to be sure that the supply of opioid antagonists is maintained at the appropriate level and that they have not expired. The _____ shall also be responsible for coordinating the training of District employees to administer the opioid antagonists and to maintain the list of employees authorized to administer the antagonists.~~

~~[] The District's training regarding, administration of, and the maintenance and storage of opioid antagonists shall be consistent with Policy PO 5330, Administrative Guideline 5330, AG 5330 and the Michigan Department of Education's medication administration guidelines, as amended.~~

~~**[END OF OPTIONS]**~~

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Administration of Opioid Antagonists Act



Book	Policy Manual
Section	Vol. 39, No. 1 - September 2024 MI
Title	Vol. 39, No. 1 - September 2024 Revised STUDENT ACCIDENTS
Code	po5340
Status	From Neola
Adopted	December 14, 2009

Revised Policy - Vol. 39, No. 1

5340 - STUDENT ACCIDENTS

The Board of Education believes that school personnel have certain responsibilities in case of accidents which occur in school. Said responsibilities extend to the administration of first aid by persons trained to do so, summoning of medical assistance, notification of administration personnel, notification of parents, and the filing of accident reports.

Employees should administer first aid within the limits of their knowledge of recommended practices. All employees should make an effort to increase their understanding of the proper steps to be taken in the event of an accident.

Beginning with the 2025-2026 school year, the Board shall develop a cardiac response plan. This plan will include utilizing employees to respond to sudden cardiac arrests or other life-threatening emergencies that may occur on school campuses during school hours or at school-sponsored events including, but not limited to, school-sponsored athletic events.

~~[] The Superintendent may provide for an in-service program on first aid and CPR procedures.~~

The administrator in charge must submit an accident report to the Superintendent on all accidents.

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Book	Policy Manual
Section	Vol. 39, No. 1 - September 2024 MI
Title	Vol. 39, No. 1 - September 2024 Revised STUDENT CONDUCT
Code	po5500
Status	From Neola
Adopted	December 14, 2009

Revised Policy - Vol. 39, No. 1

5500 - STUDENT CONDUCT

Respect for law and for those persons in authority shall be expected of all students. This includes conformity to school rules as well as general provisions of law regarding minors. Respect for the rights of others, consideration of their privileges, and cooperative citizenship shall also be expected of all members of the school community.

Respect for real and personal property; pride in one's work; achievement within the range of one's ability; and exemplary personal standards of courtesy, decency, and honesty should be maintained in the schools of this District.

Academic Honesty

The Board values honesty and expects integrity in the District's students. Violating academic honesty expectations erodes the trust between teachers and students as well as compromises the academic standing of other students. So that each student learns the skills being taught and is judged solely on their own merits, the Board prohibits any student from presenting someone else's work as their own, using artificial intelligence platforms in place of one's own work, providing unauthorized assistance to another student, and cheating in any manner.

All school work submitted for the purpose of meeting course requirements must be the individual student's original work or the original work of a group of students for group projects. It is prohibited for any student to unfairly advance their own academic performance or that of any other student. Likewise, no student may intentionally limit or impede the academic performance or intellectual pursuits of other students.

Academic dishonesty includes, but is not limited to:

- A. plagiarism (of ideas, work, research, speech, art, music, etc.);
- B. forgery of another's work;
- C. presenting the results that are the product of an artificial intelligence (AI) platform as one's own where the use of AI was not specifically allowed by the teacher as part of the assignment;
- D. downloading or copying information from other sources and presenting it as one's own;
- E. using language translation work of someone else or using technology when the expectation is doing one's own translation;
- F. copying another person's work;

- G. allowing another person to copy one's own work;
- H. stealing another person's work;
- I. doing another person's work for them;
- J. distributing copies of one's work for use by others;
- K. distributing copies of someone else's work for use by others for academic gain or advantage;
- L. intentionally accessing another's work for the purpose of presenting it as one's own for academic gain or advantage;
- M. distributing or receiving answers to assignments, quizzes, tests, assessments, etc.;
- N. distributing or receiving questions from quizzes, tests, assessments, etc.;
- O. () _____;
- P. () _____.

[OPTIONAL LANGUAGE - ARTIFICIAL INTELLIGENCE/NATURAL LANGUAGE PROCESSING TOOLS]

[] Use of Artificial Intelligence/Natural Language Processing Tools For School Work

In order to ensure the integrity of the educational process and to promote fair and equal opportunities for all students, except as outlined below, the use of Artificial Intelligence ("AI") and Natural Language Processing ("NLP") tools (collectively, "AI/NLP tools") is strictly prohibited for the completion of school work. The use of AI/NLP tools, without the express permission/consent of a teacher, undermines the learning and problem-solving skills that are essential to academic success and that the staff is tasked to develop in each student. Students are encouraged to develop their own knowledge, skills, and understanding of course material rather than relying solely on AI/NLP tools and they should ask their teachers when they have questions and/or need assistance. Unauthorized use of AI/NLP tools is considered a form of plagiarism and any student found using these tools without permission or in a prohibited manner will be disciplined in accordance with the Student Code of Conduct. () (See Policy 7540.09 - Artificial Intelligence ("AI")) **[END OF OPTION]**

Notwithstanding the preceding, students can use AI/NLP tools in the school setting if they receive prior permission/consent from their teacher, so long as they use the AI/NLP tools in an ethical and responsible manner. Teachers have the discretion to authorize students to use AI/NLP tools for the following uses:

- A. Research assistance: AI/NLP tools can be used to help students quickly and efficiently search for and find relevant information for their school projects and assignments.
- B. Data Analysis: AI/NLP tools can be used to help students to analyze, understand, and interpret large amounts of data, such as text documents or social media posts. This can be particularly useful for research projects or data analysis assignments – e.g., scientific experiments and marketing research.
- C. Language translation: AI/NLP tools can be used to translate texts or documents into different languages, which can be helpful for students who are learning a new language or for students who are studying texts written in a different language.
- D. Writing assistance: AI/NLP tools can provide grammar and spelling corrections, as well as suggest alternative word choices and sentence structure, to help students improve their writing skills.
- E. Accessibility: AI/NLP tools can be used to help students with disabilities access and understand written materials. For example, text-to-speech software can help students with specific learning disabilities or visual impairments to read texts and AI-powered translation tools can help students with hearing impairments understand spoken language.

[END OF OPTIONAL LANGUAGE - AI/NLP]

Staff and Administration have the responsibility for monitoring students' work for compliance with this policy.

[] All teachers, beginning in the elementary grades, will educate students as to what constitutes academic dishonesty and what is acceptable and unacceptable behavior in District schools regarding academic integrity. () Such education shall reference this Board policy. **[END OF OPTION]**

Students who violate this policy are subject to disciplinary consequences.

Teachers are authorized, in consultation with their Principal, to apply appropriate consequences for violations of this policy. Disciplinary consequences for significant violations may include removal from the class with a failing grade, removal from student leadership positions, elimination of honors recognition, loss of membership in honor organizations, as well as other disciplinary consequences appropriate to the nature of the violation. **[END OF OPTION]**

Parents shall be contacted as soon as practicable to report any alleged acts of academic dishonesty by their child.

Repeated violations of this policy will result in additional disciplinary consequences in accordance with the Student Code of Conduct.

Student and/or parent appeals of disciplinary consequences resulting from violation of this policy may be made based on the appeals process documented in the student handbook.

The Superintendent shall establish procedures to carry out Board policy and philosophy, and shall hold all school personnel, students, and parents responsible for the conduct of students in schools, on school vehicles, and at school-related events.

Student conduct shall be governed by the rules and provisions of the Student Code of Conduct. This Code of Conduct shall be reviewed () annually () periodically **[END OF OPTION]**.

A summary of this policy shall be included in the Student Handbook and the Employee Handbook.

Cross References

po7540.03

po7540.04

po7540.09

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Legal M.C.L. 380.1311, 380.1312

Cross References po7540.03 - STUDENT TECHNOLOGY ACCEPTABLE USE AND SAFETY
po7540.04 - STAFF TECHNOLOGY ACCEPTABLE USE AND SAFETY
po7540.09 - ARTIFICIAL INTELLIGENCE ("AI")



Book	Policy Manual
Section	Vol. 39, No. 1 - September 2024 MI
Title	Vol. 39, No. 1 - September 2024 Revised STUDENT CONDUCT
Code	po5500
Status	From Neola
Adopted	December 14, 2009

Revised Policy - Vol. 39, No. 1

5500 - STUDENT CONDUCT

Respect for law and for those persons in authority shall be expected of all students. This includes conformity to school rules as well as general provisions of law regarding minors. Respect for the rights of others, consideration of their privileges, and cooperative citizenship shall also be expected of all members of the school community.

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- E. using language translation work of someone else or using technology when the expectation is doing one's own translation;
- F. copying another person's work;

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- L. intentionally accessing another's work for the purpose of presenting it as one's own for academic gain or advantage;
- M. distributing or receiving answers to assignments, quizzes, tests, assessments, etc.;
- N. distributing or receiving questions from quizzes, tests, assessments, etc.;
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- C. Language translation: AI/NLP tools can be used to translate texts or documents into different languages, which can be helpful for students who are learning a new language or for students who are studying texts written in a different language.
- D. Writing assistance: AI/NLP tools can provide grammar and spelling corrections, as well as suggest alternative word choices and sentence structure, to help students improve their writing skills.
- E. Accessibility: AI/NLP tools can be used to help students with disabilities access and understand written materials. For example, text-to-speech software can help students with specific learning disabilities or visual impairments to read texts and AI-powered translation tools can help students with hearing impairments understand spoken language.

[END OF OPTIONAL LANGUAGE - AI/NLP]

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[] All teachers, beginning in the elementary grades, will educate students as to what constitutes academic dishonesty and what is acceptable and unacceptable behavior in District schools regarding academic integrity. () Such education shall reference this Board policy. **[END OF OPTION]**

Students who violate this policy are subject to disciplinary consequences.

Teachers are authorized, in consultation with their Principal, to apply appropriate consequences for violations of this policy. Disciplinary consequences for significant violations may include removal from the class with a failing grade, removal from student leadership positions, elimination of honors recognition, loss of membership in honor organizations, as well as other disciplinary consequences appropriate to the nature of the violation. **[END OF OPTION]**

Parents shall be contacted as soon as practicable to report any alleged acts of academic dishonesty by their child.

Repeated violations of this policy will result in additional disciplinary consequences in accordance with the Student Code of Conduct.

Student and/or parent appeals of disciplinary consequences resulting from violation of this policy may be made based on the appeals process documented in the student handbook.

The Superintendent shall establish procedures to carry out Board policy and philosophy, and shall hold all school personnel, students, and parents responsible for the conduct of students in schools, on school vehicles, and at school-related events.

Student conduct shall be governed by the rules and provisions of the Student Code of Conduct. This Code of Conduct shall be reviewed () annually () periodically **[END OF OPTION]**.

A summary of this policy shall be included in the Student Handbook and the Employee Handbook.

Cross References

po7540.03

po7540.04

po7540.09

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Legal M.C.L. 380.1311, 380.1312

Cross References po7540.03 - STUDENT TECHNOLOGY ACCEPTABLE USE AND SAFETY
po7540.04 - STAFF TECHNOLOGY ACCEPTABLE USE AND SAFETY
po7540.09 - ARTIFICIAL INTELLIGENCE ("AI")



Book	Policy Manual
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Title	Vol. 39, No. 1 - EDGAR UGG - September 2024 Revised GRANT FUNDS
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Revised Policy - Vol. 39, No. 1 - EDGAR/UGG Revisions

6110 - GRANT FUNDS

It is the objective of the Board of Education to provide equal educational opportunities for all students within the District. Government agencies, as well as foundations, businesses, and individuals, periodically offer both human and material resources to the District that would benefit students and the educational program. Therefore, it is the intent of the Board to consider grant proposals and applications for their potential to enhance educational opportunities, the educational environment, and the physical and mental growth for each student.

The Superintendent shall review new Federal education legislation and prepare proposals for programs **the Superintendent** deems would be of aid to the students of this District. The Superintendent shall approve each such proposal prior to its submission, and the Board shall approve all grants resulting from such proposals.

The Board regards available Federal funds of aid to local school districts and communities as a public trust. **The Board** forbids the use of Federal monies for partisan political activities and for any use that would not be in accordance with Federal regulations and guidelines.

No Federal funds received by the District shall be used (1) to develop or distribute materials, or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual; (2) to distribute or to aid in the distribution by any organization of legally obscene materials to minors on school grounds; (3) to provide sex education or HIV-prevention education in schools unless that instruction is age appropriate and includes the health benefits of abstinence; or (4) to operate a program of contraceptive distribution in schools.

Grant Proposal Development

- A. All grant proposals must support at least one (1) District goal or priority.
- B. For projects where grant funds will not cover the entire cost of project implementation, additional fund sources must be identified, documented, and approved during the internal review process.

Grant Proposal Internal Review

- A. Each grant proposal shall be reviewed and approved by the Superintendent prior to submission to the funding source.
- B. ~~() The Superintendent shall present the following proposals to the Board for approval:~~

1. ~~() Government funded proposals, regardless of the amount;~~
2. ~~() Proposals with budgets exceeding \$ _____ .00; or~~
3. ~~() Multi school or District wide proposals.~~

Mandatory Disclosures

The District must promptly disclose whenever they have credible evidence of a violation of Federal criminal law potentially affecting the Federal award including, but not limited to, any fraud, embezzlement, bribery, gratuity violations, identity theft, or sexual assault and exploitation, or a violation of the civil False Claims Act (2 C.F.R. 175.105) regarding the obligation to report credible information related to conduct prohibited by the Trafficking Victims Protection Act, 22 U.S.C. 7104c.

The disclosure must be made in writing to the Federal agency, the agency's Office of Inspector General, and the pass-through entity.

Whistleblower Protections

An employee of the District may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing information to the appropriate agency or individual that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract or grant. See Policy 1411/3211/4211 - Whistleblower Protection and Policy 8900 - Anti-Fraud.

Grant Administration

- A. The administration of grants will adhere to all applicable Federal, State, local, and grantor rules and regulations, including the terms and conditions of the Federal awards, as well as District policies and administrative guidelines.
- B. The Superintendent is responsible for the efficient and effective administration of grant awards through the application of sound management practices.
- C. The Superintendent is responsible for administering grant funds in a manner consistent with underlying agreements, applicable statutes, regulations, and objectives, and the terms and conditions of the grant award.
- D. The District, in recognition of its unique combination of staff, facilities, and experience, shall employ internal controls, including the organizational and management strategies necessary to assure proper and efficient administration of grant awards.
- E. All Federal funds received by the District will be used in accordance with the applicable Federal law and regulations and the terms and conditions of the Federal award. The Superintendent shall require that each draw of Federal monies be aligned with the District's payment process (whether reimbursement, cash advance, or a combination). If funds are permitted to be drawn in advance, all draws will be as close as administratively feasible to the related program expenditures and that, when restricted, such monies are used to supplement programs and funding and not to supplant or replace existing programming or current funding.

Maintenance of Effort (MOE) and Maintenance of Equity (MOEquity) requirements of the Federal program will be met in accordance with the requirements of the specific funded program. The District shall maintain appropriate documentation and records to substantiate compliance or to justify allowable exceptions, exemptions, or waivers.

- F. The Superintendent is authorized to sign related documents for grant administration, including documents required for submittal of grant proposals.
- G. ~~() Written amendments requiring the Superintendent's signature shall be presented to the Board for approval.~~
- H. Employee positions established through the use of grant funding shall terminate if and when the related grant funding ceases.
- I. Program reports including, but not limited to, ~~audits~~ ~~audit~~, site visits, and final reports shall be submitted to the Superintendent for review and distribution to the Board and other appropriate parties.

Financial Management

The financial management of grant funds shall be in compliance with all applicable Federal, State, local, and grantor rules, regulations, and assurances as well as District policies and administrative guidelines.

The District shall provide for the following:

- A. Identification of all Federal awards received and expended and the Federal programs under which they were received. Federal program and Federal award identification must include, as applicable, the Assistance Listings title and number, Federal award identification number, year the Federal award was issued, and name of the Federal agency or pass-through entity, in District accounts, of all grant awards received and expended and the programs under which they were received. For Federal programs and awards, identification shall include the Catalog of Federal Domestic Assistance (CFDA) title and number, Federal award identification number and year, name of the Federal agency, and name of the pass through entity, as applicable.
- B. Accurate, current, and complete disclosure of the financial results of each Federal award or program in accordance with the reporting requirements of the grant.
- C. Effective control over and accountability for all funds, property, and assets. The District must safeguard all assets and ensure they are used solely for authorized purposes. Records that adequately identify the source and application of funds provided for Federally funded activities. These records must contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income, and interest and be supported by source documentation.
- D. Effective control over, and accountability for, all funds, property, and other assets. The District must adequately safeguard all assets and assure that they are used solely for authorized purposes.

Further, the District must:

1. establish and maintain effective internal control over the Federal award that provides reasonable assurance that the District is managing the Federal award in compliance with the U.S. Constitution, Federal statutes, regulations, and the terms and conditions of the Federal award;
 2. comply with the U.S. Constitution, Federal statutes, regulations, and the terms and conditions of the Federal award;
 3. evaluate and monitor the District's compliance with statutes, regulations, and the terms and conditions of the Federal award; and
 4. take prompt action when instances of noncompliance are identified, including noncompliance identified in audit findings;
 5. take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive consistent with applicable Federal, State, local, and tribal laws regarding privacy and obligations of confidentiality.
- E. Take reasonable cybersecurity and other measures to safeguard information including protected personally identifiable information (PII) and other types of information. This also includes information the Federal awarding agency or pass-through entity designates as sensitive or other information the District considers sensitive and is consistent with applicable Federal, State, local, and tribal laws regarding privacy and obligations of confidentiality. Comparison of expenditures with budget amounts for each Federal award.
 - F. Actual expenditures or outlays must be compared with budgeted amounts for each Federal award.
 - G. Recordkeeping and written procedures to the extent required by Federal, State, local, and grantor rules and regulations pertaining to the grant award and accountability including, but not limited to, the following areas:
 1. cash management in accordance with 2 C.F.R. 200.305
 2. allowability of costs in accordance with subpart E and the terms and conditions of the Federal award
 3. conflict of interest
 4. procurement
 5. equipment management

6. conducting technical evaluations of proposals and selecting recipients
 7. compensation and fringe benefits
 8. travel
- H. Disclosure of any potential conflict of interest and all mandatory violation disclosures potentially affecting the Federal award/grant to the Federal awarding agency or pass-through agency in accordance with applicable Federal policy.
- I. Insurance coverage for real property and equipment, if applicable, equivalent to such property owned by the District.

Audit Requirements

A single or program-specific audit (2 C.F.R. 200.514, 2 C.F.R. 200.507) is required for any year if the District expends \$1,000,000 or more in Federal awards during the District's fiscal year. When Federal awards expended are less than \$1,000,000, the District may be exempt from Federal audit requirements (2 C.F.R. 200.501) for that year. However, in all instances, the District's records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and the Government Accountability Office (GAO).

The District shall:

- A. arrange for the audit required in accordance with 2 C.F.R. 200.509 and make sure that the audit is properly performed and submitted in accordance with 2 C.F.R. 200.512;
- B. prepare financial statements including the schedule of expenditures of Federal awards in accordance with 2 C.F.R. 200.510;
- C. promptly follow up and take corrective action on audit findings, including preparing a summary schedule of prior audit findings and a corrective action plan (2 C.F.R. 200.511); and
- D. provide the auditor access to personnel, accounts, books, records, supporting documentation, and any other information needed for the auditor to perform the audit.

Certifications and Records Retention

Financial reports must include a certification, signed by an official who is authorized to legally bind the District. The certification should state:

"I certify to the best of my knowledge and belief that the information provided herein is true, complete, and accurate. I am aware that the provision of false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil, or administrative consequences including, but not limited to, violations of U.S. Code Title 18, Sections 2, 1001, 1343 and Title 31, Sections 3729-3730 and 3801-3812"

Each certification must be maintained pursuant to the requirements of 2 C.F.R. 200.334. The District shall retain all Federal award records for three (3) years from the date of submission of the final financial report.

Program Income

Program income means gross income earned by a grant recipient that is directly generated by a supported activity or earned as a result of the Federal award during the grant's period of performance.

It includes, but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under Federal awards, the sale of commodities or items fabricated under a Federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with Federal award funds. Interest earned on advances of Federal funds is not program income. Except as otherwise provided in Federal statutes, regulations, or the terms and conditions of the Federal award, program income does not include rebates, credits, discounts, and interest earned on any of them. Additionally, taxes, special assessments, levies, fines, and ~~similar other such~~ revenues raised by a recipient are not program income ~~unless the revenues are specifically identified in the Federal award or Federal awarding agency regulations as program income.~~ ~~Proceeds~~ Finally, proceeds from the sale of real property, equipment, or supplies are not program income. Finally, license fees and royalties for copyrighted material, patents, patent applications, trademarks, and inventions made under the Federal award subject to 37 C.F.R. Part 401 are not program income.

Unless it has received prior approval to use a different method or the terms and conditions of the grant authorize a different method, the District uses the deduction method of accounting for program income. Under the deduction method, program income is deducted from total allowable costs to determine the net allowable costs. Program income will only be used for current costs unless the District is otherwise directed by the Federal ~~awarding~~-agency or pass-through entity.

2 C.F.R. 200.56, 200.71, 200.77, 200.80, 200.112, 200.302, 200.307

2 C.F.R. 200.309, 200.310, 200.313, 200.318-.320, 200.343(b)&(e)

2 C.F.R. 200.501-511

20 U.S.C. 7906

34 C.F.R. 75.707, 76.563, 76.565, 76.707

Compliance Supplement for Single Audits of State and Local Governments

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2 C.F.R. 200.56, 200.71, 200.77, 200.80, 200.112, 200.302, 200.307

2 C.F.R. 200.309, 200.310, 200.313, 200.318-.320, 200.343(b)&(e)

2 C.F.R. 200.501-511

20 U.S.C. 7906

34 C.F.R. 75.707, 76.563, 76.565, 76.707

Compliance Supplement for Single Audits of State and Local Governments



Book	Policy Manual
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Revised Policy - Vol. 39, No. 1 - EDGAR/UGG Revisions

6111 - INTERNAL CONTROLS

The Superintendent shall establish, document, and maintain effective internal control over financial grants and awards that provide reasonable assurance that the program and funds are managed in compliance with the U.S. Constitution, applicable statutes, regulations, and the terms and conditions of the awards. The District will have a process that provides reasonable assurance regarding the achievement of the following objectives:

- A. effectiveness and efficiency of operations;
- B. reliability of reporting for internal and external use; and
- C. compliance with applicable laws and regulations.

These internal controls should comply with the guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States or the "Internal Control-Integrated Framework" issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

The internal controls must provide reasonable assurance that transactions are properly recorded and accounted for in order to permit the preparation of reliable financial statements and Federal reports; maintain accountability over assets; and demonstrate compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. The internal controls must also provide reasonable assurance that these transactions are executed in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award that could have a direct and material effect on a Federal award, as well as any other Federal statutes and regulations that are identified in the Compliance Supplement. Finally, the District's internal controls must provide reasonable assurance that all Federal funds, property, and other assets are safeguarded against loss from unauthorized use or disposition.

The District shall:

- A. comply with the U.S. Constitution, Federal statutes, regulations, and the terms and conditions of the Federal award; and
- B. evaluate and monitor its compliance with statutes, regulations, and the terms and conditions of the award;
- C. take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; and

D. take reasonable cybersecurity and other measures to safeguard protected information including protected "personally identifiable information" (PII) and other types of information. This also includes information the Federal agency or pass-through entity designates as sensitive or other information the District considers sensitive and is consistent with applicable Federal, State, local, and tribal laws regarding privacy and responsibility over confidentiality "personally identifiable information" ("PII") and other information the awarding agency or pass-through entity designates as sensitive or the District considers sensitive consistent with applicable Federal, state, local, and tribal laws and District policies regarding privacy and obligations of confidentiality.

PII is defined at 2 C.F.R. ~~200.1200.79~~ 200.1 as "information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual."

However, the definition of PII is not attached anchored to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified.

Suggested resources:

- A. "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States;
- B. "Internal Control Integrated Framework" (commonly referred to as the Green Book) issued by the Committee of Sponsoring Organizations of the Treadway Commission;
- C. "Compliance Supplement" issued by the U.S. Office of Management and Budget; and
- D. Internal control guidance issued by the U.S. Department of Education.

2 C.F.R. 200.1

2 C.F.R. 200.61-62

~~2 C.F.R. 200.79~~

2 C.F.R. 200.303

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2 C.F.R. 200.1

2 C.F.R. 200.62

2 C.F.R. 200.303



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Revised Policy - Vol. 39, No. 1 - EDGAR/UGG Revisions

6112 - CASH MANAGEMENT OF GRANTS

In order to provide reasonable assurance that all assets, including Federal, State, and local funds, are safeguarded against waste, loss, unauthorized use, or misappropriation, the Superintendent shall implement internal controls in the area of cash management.

The District's payment methods shall minimize the time elapsing between the transfer of funds from the **Federal agency** ~~United States Treasury~~ or the Michigan Department of Education (MDE) (pass-through entity) and disbursement by the District, regardless of whether the payment is made by electronic fund transfer, or issuance or redemption of checks, warrants, or payment by other means.

The District shall use forms and procedures required by the grantor agency or pass-through entity to request payment. The District shall request grant ~~fund~~ **fund** payments in accordance with the provisions of the grant. Additionally, the District's financial management systems shall meet the standards for fund control and accountability as established by the awarding agency.

The Superintendent is authorized to submit **payment requests as often as necessary when electronic fund transfers are used or at least monthly when electronic transfers are not used.** ~~See requests for advance payments and reimbursements at least monthly when electronic fund transfers are not used, and as often as deemed appropriate when electronic transfers are used, in accordance with the provisions of~~ the Electronic Fund Transfer Act (15 U.S.C. 1693-1693r).

When the District uses a cash advance payment method, the following standards shall apply:

- A. The timing and amount of the advance payment requested ~~must~~ **will** be as close as is administratively feasible to the actual disbursement **by the District** for direct program or project costs and the proportionate share of any allowable indirect costs.
- B. The District shall make timely ~~payments~~ **payment** to contractors in accordance with contract provisions.
- C. **Whenever possible, advance payment requests by the District must be consolidated to cover anticipated cash needs for all Federal awards received by the recipient from the awarding Federal agency or MDE.**
- D. ~~If to the extent~~ available, the District shall disburse funds available from program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on ~~Federal~~ **such** funds before requesting additional cash payments. **[DRAFTING NOTE: It is generally recommended that the District request that program income be added to their total award, but separating program income out and then noting how to address these applicable credits.]**

- E. The District shall account for the receipt, obligation, and expenditure of funds.
- F. Advance payments will be deposited and maintained in insured accounts whenever possible.
- G. Advance payments will be maintained in interest-bearing accounts unless the following apply:
1. The District receives less than \$250,000~~120,000~~ in Federal ~~funding~~awards per year.
 2. The best ~~reasonably~~ available interest-bearing account would not ~~reasonably~~ be expected to earn interest in excess of \$500 per year on Federal cash balances.
 3. The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.
 4. A foreign government or banking system prohibits or precludes interest-bearing accounts.
 5. **An interest-bearing account is not readily accessible (for example, due to public or political unrest in a foreign country).**
- H. Pursuant to Federal law and regulations, the District may retain interest earned in an amount up to \$500 per year for administrative costs. Any additional interest earned on Federal ~~funds must be returned~~advance payments ~~deposited in interest bearing accounts must be remitted~~ annually to the Department of Health and Human Services Payment Management System ("PMS") through an electronic medium using either ~~the~~ Automated Clearing House ("ACH") network or a Fedwire Funds Service payment. ~~Remittances shall include pertinent information of the payee and nature of payment in the memo area (often referred to as "addenda records" by Financial Institutions) as that will assist in the timely posting of interest earned on Federal funds. Pertinent details include the Payee Account Number ("PAN") if the payment originated from PMS, or Agency information if the payment originated from Automated Standard Application for Payment ("ASAP"), National Science Foundation ("NSF"), or another Federal agency payment system.~~
- I. **All interest in excess of \$500 per year must be returned to PMS regardless of whether the District was paid through PMS. Instructions for returning interest can be found at <https://pms.psc.gov/grant-recipients/returning-funds-interest.html>.**
- J. **All other Federal funds must be returned to the payment system of the Federal agency. Returns should follow the instructions provided by the Federal agency. All returns to PMS should follow the instructions provided at <https://pms.psc.gov/grant-recipients/returning-funds-interest.html>.**

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2 C.F.R. 200.305



Book	Policy Manual
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Revised Policy - Vol. 39, No. 1 - EDGAR/UGG Revisions

6114 - COST PRINCIPLES - SPENDING FEDERAL FUNDS

The Superintendent is responsible for the efficient and effective administration of grant funds through the application of sound management practices. Such funds shall be administered in a manner consistent with all applicable Federal, State, and local laws, the associated agreements/assurances, program objectives, and the specific terms and conditions of the grant award.

Cost Principles

A cost is reasonable if it does not exceed an amount that a prudent person would incur under the circumstances prevailing when the decision was made to incur the cost. Except where otherwise authorized by statute, costs shall meet the following general criteria in order to be allowable under Federal awards:

- A. Be necessary and reasonable for proper and efficient performance and administration of the Federal award and be allocable thereto under these principles.

To determine whether a cost is reasonable, consideration shall be given to:

1. whether a cost is a type generally recognized as ordinary and necessary for the operation of the District or the proper and efficient performance of the Federal award;
2. the restraints or requirements imposed by such factors as sound business practices, arm's length bargaining, Federal, State, local, tribal, and other laws and regulations;
3. market prices for comparable costs goods or services for the geographic area;
4. whether the individuals concerned acted with prudence in the circumstances considering their responsibilities to the District, its employees, its students or membership (if applicable), the public at large, and the Federal Government; and
5. the degree to which the cost represents a deviation from the Board of Education's established written policies and procedures for incurring costs whether the cost represents any significant deviation from the established practices or Board of Education policy which may unjustifiably increase the expense.

While Federal regulations do not provide specific descriptions of what satisfies the "necessary" element beyond its inclusion in the reasonableness analysis above, whether a cost is necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the District can demonstrate that the cost addresses an existing need, and can prove it.

When determining whether a cost is necessary, consideration may be given to whether:

1. the cost is needed for the proper and efficient performance of the grant program;
2. the cost is identified in the approved budget or application;
3. there is an educational benefit associated with the cost;
4. the cost aligns with identified needs based on results and findings from a needs assessment;
5. the cost addresses program goals and objectives and is based on program data.

A cost is allocable to the Federal award if the ~~cost is goods or services involved are chargeable or~~ assignable to ~~that the~~ Federal award in accordance with the relative benefit received. This standard is met if the cost: is incurred specifically for the Federal award; benefits both the Federal award and other work of the District and can be distributed in proportions that may be approximated using reasonable methods; ~~and~~ is necessary to the overall operation of the District and is assignable ~~in part~~ to the Federal award in accordance with ~~these~~ cost principles ~~mentioned here~~.

- B. Conform to any limitations or exclusions set forth in the cost principles in 2 C.F.R. Part 200 or in the terms and conditions of the Federal award, including prohibitions regarding costs incurred for telecommunications and video surveillance services or equipment ~~or as a substantial or essential component of any system or as critical technology as part of any system. Such prohibition also applies to funds generated as program income, indirect cost recoveries, or to satisfy cost share requirements.~~
- C. Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the District.
- D. Be accorded consistent treatment. A cost cannot be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to a Federal award as an indirect cost under another award.
- E. Be determined in accordance with generally accepted accounting principles.
- F. Be representative of actual cost, net of all applicable credits or offsets.

The term "applicable credits" refers to those ~~transactions that offset or reduce direct or indirect costs receipts or reductions of expenditures that operate to offset or reduce expense items~~ allocable to the Federal award. Typical examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; ~~insurance refunds or rebates;~~ and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to or received by the ~~District State~~ relating to the Federal award, they shall be credited to the Federal award, either as a cost reduction or a cash refund, as appropriate.

- G. Be not included as a match or cost-share ~~requirements of any other Federally-financed program in either the current or a prior period~~, unless the specific Federal program authorizes Federal costs to be treated as such.
- H. Be adequately documented:
 1. in the case of personal services, the Superintendent shall implement a system for District personnel to account for time and efforts expended on grant-funded programs to assure that only permissible personnel expenses are allocated;
 2. in the case of other costs, all receipts and other invoice materials shall be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear.
- I. ~~Administrative closeout costs may be incurred until the due date of the final report(s). If incurred, these costs must be liquidated prior to the due date of the final report(s) and charged to the final budget period of the award unless otherwise specified by the Federal agency.~~

All other costs must be incurred during the approved budget period. At its discretion, the Federal agency is authorized to waive prior written approvals to carry forward unobligated balances to subsequent budget periods.

The budget period means the time interval from the start date of a funded portion of an award to the end date of that funded portion during which recipients are authorized to incur financial obligations carry out authorized work and expend the funds awarded, including any funds carried forward or other revisions pursuant to 2 C.F.R. 200.308 the law. Prior written approval from the Federal awarding agency or State pass-through entity may be required to carry forward unobligated balances to subsequent budget periods unless waived.

Selected Items of Cost

The District shall follow the rules for selected items of cost at 2 C.F.R. Part 200, Subpart E when charging these specific expenditures to a Federal grant. When applicable, District staff shall check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, District, and program-specific rules, including the terms and conditions of the award, may deem a cost as unallowable and District personnel shall follow those rules as well.

The following rules of allowability must apply to equipment and other capital expenditures:

- A. Capital expenditures for general purpose equipment, buildings, and land are allowable unallowable as direct charges, but only except with the prior written approval of the Federal awarding agency or pass-through entity.
- B. Capital expenditures for special purpose equipment are allowable as direct costs, provided that items with a unit cost of \$10,000 5,000 or more have the prior written approval of the Federal awarding agency or pass-through entity.
- C. Capital expenditures for improvements to land, buildings, or equipment which that materially increase their value or useful life are allowable unallowable as a direct cost but only except with the prior written approval of the Federal awarding agency or pass-through entity.
- D. All Federally-funded contracts in excess of \$2,000 related to construction, alterations, repairs, painting, decorating, etc. must comply with Davis-Bacon prevailing wage requirements.
- E. Allowability of depreciation on buildings, capital improvements, and equipment shall be in accordance with 2 C.F.R. 200.436 and 2 C.F.R. 200.465.
- F. When approved as a direct cost by the Federal awarding agency or pass-through entity under Sections A-C, capital expenditures will be charged in the period in which the expenditure is incurred or as otherwise determined appropriate and negotiated with the Federal awarding agency.
- G. The District may claim the unamortized portion of any equipment written off as a result of a change in capitalization levels by continuing to claim the otherwise allowable depreciation on the equipment, or by amortizing the amount to be written off over a period of years negotiated with the cognizant agency for indirect cost.
- H. If the District is instructed by the Federal awarding agency to otherwise dispose of or transfer the equipment, the costs of such disposal or transfer are allowable.
- I. Equipment and other capital expenditures are unallowable as indirect costs.

Statutory requirements may limit the allowability of costs. Any costs that exceed the maximum amount allowed by statute may not be charged to the Federal award. Only the amount allowable by statute may be charged to the Federal award.

Payments made for costs determined to be unallowable by the Federal agency, cognizant agency for indirect costs, or pass-through entity must be refunded (with interest) to the Federal Government.

Prior Written Approval

To avoid subsequent disallowance or dispute based on unreasonableness or nonallocability, the District may seek the prior written approval of the Federal agency (or, for indirect costs, the cognizant agency for indirect costs) before incurring the cost. The absence of prior written approval on any element of cost will not, in itself, affect the reasonableness or allocability of that cost unless prior approval is specifically required for allowability.

Cost Compliance

The Superintendent shall require that grant program funds are expended and are accounted for consistent with the requirements of the specific program and as identified in the grant application. Compliance monitoring includes accounting for direct or indirect costs and reporting them as permitted or required by each grant. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs, but may not be double charged or inconsistently charged as both.

Determining Whether a Cost is Direct or Indirect:

The association of costs with a Federal award (rather than the nature of the procurement transaction) determines whether costs are direct or indirect. Costs incurred for the same purpose in like circumstances must be treated consistently as direct or indirect.

- A. Direct costs are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

These costs may include: salaries and fringe benefits of employees working directly on a grant-funded project; purchased services contracted for performance under the grant; travel of employees working directly on a grant-funded project; materials, supplies, and equipment purchased for use on a specific grant; program evaluation costs or other institutional service operations; and infrastructure costs directly attributable to the program (such as long-distance telephone calls specific to the program, etc.). Direct costs may also include capital expenditures if approved by the Federal ~~awarding~~ agency or pass-through entity, as well as capital expenditures for special purpose equipment with a unit cost of less than \$~~10,000~~^{5,000}.

If a cost benefits two (2) or more projects or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to the projects based on the proportional benefit.

- B. Indirect costs are those that have been incurred for a common or joint purpose benefitting more than one (1) cost objective and not readily assignable to the cost objectives specifically benefitted without effort disproportionate to the results achieved. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs.

These costs may include: general data processing, human resources, utility costs, maintenance, accounting, etc.

Federal education programs with supplement, not supplant, provisions must use a restricted indirect cost rate. In a restricted rate, indirect costs are limited to general management costs. General management costs do not include divisional administration that is limited to one (1) component of the District, the governing body of the District, compensation of the Superintendent, compensation of the chief executive officer of any component of the District, and operation of the immediate offices of these officers.

The salaries of administrative and clerical staff should normally be treated as indirect costs. Direct charging of these costs may be appropriate only if all of the following conditions are met:

1. Administrative or clerical services are integral to a project or activity.
2. Individuals involved can be specifically identified with the project or activity.
3. Such costs are explicitly included in the budget or have the prior written approval of the Federal ~~awarding~~ agency.
4. The costs are not also recovered as indirect costs.

Where a Federal program has a specific cap on the percentage of administrative costs that may be charged to a grant, that cap shall include all direct administrative charges as well as any recovered indirect charges.

Effort should be given to identify costs as direct costs whenever practical, but allocation of indirect costs may be used where not prohibited and where indirect cost allocation is approved ahead of time by the Michigan Department of Education (MDE) or the pass-through entity (Federal funds subject to 2 C.F.R. Part 200 pertaining to determining indirect cost allocation).

~~Equipment and other capital expenditures are unallowable as indirect costs.~~

Timely Obligation of Funds

Financial obligations are orders placed for property and services, contracts and subawards made, and similar transactions that require payment **under a Federal award that will result in expenditures by a recipient or subrecipient under a Federal award.** ~~This term is used when referencing a recipient's or subrecipient's use of funds under a Federal award.~~

The following list illustrates when funds are determined to be obligated under the U.S. Department of Education ("USDOE") regulations:

If the obligation is for:

- A. Acquisition of property - on the date which the District makes a binding written commitment to acquire the property.
- B. Personal services by an employee of the District - when the services are performed.
- C. Personal services by a contractor who is not an employee of the District - on the date which the District makes a binding written commitment to obtain the services.
- D. Performance of work other than personal services - on the date when the District makes a binding written commitment to obtain the work.
- E. Public utility services - when the District receives the services.
- F. Travel - when the travel is taken.
- G. Rental of property - when the District uses the property.
- H. A pre-agreement cost that was properly approved by the Secretary (USDOE) under the cost principles in 2 C.F.R. Part 200, Subpart E - Cost Principles - on the first day of the project period.

Period of Performance

All financial obligations must occur during the period of performance. **Period of performance means the time interval between the start and end date of a Federal award, which may include one (1) or more budget periods. Identification of the period of performance shall be specific to the Federal award and consistent with 2 C.F.R. 200.211 and does not commit the Federal agency to fund the award beyond the currently approved budget period.** ~~Period of performance means the total estimated time interval between the start of an initial Federal award when the District is permitted to carry out the work authorized by the grant and the planned end date. The period of performance may include one (1) or more funded portions or budget periods.~~ The period of performance is dictated by statute and will be indicated in the grant award notification ("GAN"). As a general rule, State-administered Federal funds are available for obligation within the year that Congress appropriates the funds for. However, given the unique nature of educational institutions, for many Federal education grants, the period of performance is twenty-seven (27) months. This maximum period includes a fifteen (15) month period of initial availability, plus a twelve (12) month period for carryover. For direct grants, the period of performance is generally identified in the GAN. **Note, however, that certain Federal awards have specific requirements that restrict the use of funds beyond the initial period of performance.**

In the case of a State-administered grant, financial obligations under a grant may not be made until the application is approved or is in substantially approvable form, whichever is later. In the case of a direct grant, a grantee may use grant funds only for obligations it makes during the grant period unless an agreement exists with the ~~awarding~~ agency or the pass-through entity (e.g., MDE) to reimburse for pre-approval expenses.

If a Federal ~~awarding~~ agency or pass-through entity approves an extension, or if the District extends under C.F.R. 200.308(e)(2), the Period of Performance will be amended to end at the completion of the extension. If a termination occurs, the Period of Performance will be amended to end upon the effective date of termination. If a renewal is issued, a distinct Period of Performance will begin.

For both State-administered and direct grants, regardless of the period of availability, the District shall liquidate all financial obligations incurred under the award not later than ninety (90) **calendar** days after the **conclusion of the period of performance of the award (or an earlier date as agreed upon by MDE and the District)** ~~end of the funding period unless an extension is authorized.~~ Any funds not obligated within the period of performance or liquidated within the appropriate timeframe are said to lapse and shall be returned to the ~~awarding~~ agency. Consequently, the District shall closely monitor grant spending throughout the grant cycle.

Legal

2 C.F.R. 200.216, 200.344(b), 200.403-.407, 200.413(a)-(c), 200.430(a),
200.431(a), 200.439(b)(2), 200.458

2 C.F.R. 200.474(b)

34 C.F.R. 76.707-.708(a), 75.703



Book	Policy Manual
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Revised Policy - Vol. 39, No. 1 - EDGAR/UGG Revisions

6325 - PROCUREMENT – FEDERAL GRANTS/FUNDS

Procurement of all supplies, materials, equipment, and services paid for from Federal funds or District matching funds shall be made in accordance with all applicable Federal, State, and local statutes and/or regulations, the terms and conditions of the Federal grant, Board of Education policies, and administrative procedures.

The Superintendent shall have and use a procurement and contract administration system in accordance with the USDOE requirements (2 C.F.R. 200.317-.326), including affirmative steps for small **businesses, and** minority businesses and women's business enterprises, **veteran-owned businesses, and labor surplus area firms** for the administration and management of Federal grants and Federally-funded programs. The District shall maintain oversight that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of the District's documented general purchasing Policy 6320 and AG 6320A.

When required by Federal program legislation, all Federally-funded contracts in excess of \$2,000 related to construction, alteration, repairs, painting, decorating, etc. must comply with Davis-Bacon prevailing wage requirements.

All District employees, officers, and agents who have purchasing authority shall abide by the standards of conduct covering conflicts of interest and governing the actions of its employees, officers, and agents engaged in the selection, award, and administration of contracts as established in Policy 1130, Policy 3110, and Policy 4110 – Conflict of Interest.

The District will avoid acquisition of unnecessary or duplicative items. ~~Consideration~~ ~~Additionally, consideration~~ shall be given to consolidating or breaking out procurements to obtain a more economical purchase. **When appropriate, an analysis shall be made between leasing and purchasing property or equipment to determine the most economical approach.** ~~, and where appropriate, an analysis shall be made of lease versus purchase alternatives and any other appropriate analysis to determine the most economical approach.~~ These considerations are given as part of the process to determine the allowability of each purchase made with Federal funds.

To foster greater economy and efficiency, the District may enter into State and local intergovernmental agreements where appropriate for procurement or use of common or shared goods and services.

Competition

All procurement transactions ~~under the~~ ~~for the acquisition of property or services required under a~~ Federal award paid for from Federal funds or District matching funds shall be conducted in a manner that ~~provides~~ ~~encourages~~ full and open competition and that is in accordance with **2 C.F.R. Part 200**, good administrative practice, and sound business judgment.

~~To ensure in order to promote~~ objective contractor performance and eliminate unfair competitive advantage, the District shall exclude any contractor that has developed or drafted specifications, requirements, statements of work, or invitations for bids ~~or requests for proposals~~ from competition for such procurements.

~~Examples of situations that may restrict competition include, but are not limited to~~ ~~Some of the situations considered to be restrictive of competition include, but are not limited to, the following:~~

- A. unreasonable requirements on firms ~~in order~~ for them to qualify to do business;
- B. unnecessary experience and excessive bonding requirements;
- C. noncompetitive pricing practices between firms or between affiliated companies;
- D. noncompetitive contracts to consultants that are on retainer contracts;
- E. organizational conflicts of interest;
- F. specification of only a "brand name" product instead of allowing for an "or equal" product to be offered and describing the performance or other relevant requirements of the procurement; and
- G. any arbitrary action in the procurement process.

~~Further, the District does not use statutorily or administratively imposed State, local, or tribal geographical preferences in the evaluation of bids or proposals, unless 1) an applicable Federal statute expressly mandates or encourages a geographic preference; or 2) the District is contracting for architectural and engineering services, in which case geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.~~

To the extent that the District uses a pre-qualified list of persons, firms, or products to acquire goods and services that are subject to this policy, the pre-qualified list includes enough qualified sources as to ensure maximum open and free competition. The District allows vendors to apply for consideration to be placed on the list periodically
[INSERT FREQUENCY; SEE DRAFTING NOTE].

[DRAFTING NOTE: The District shall allow vendors not on the pre-qualified list to apply for placement on the list periodically. The District may determine how frequently the pre-qualified list becomes open for new vendors or whether it is open continuously.]

The District shall require that all prequalified lists of persons, firms, or products which are used in ~~procurement transactions~~ ~~are current and include enough qualified sources to provide maximum open competition. When establishing or amending prequalified lists, the District (or subrecipient) must consider objective factors that evaluate price and cost to maximize competition~~ ~~acquiring goods and services are current and include enough qualified sources to provide maximum open and free competition.~~ The District shall not preclude potential bidders from qualifying during the solicitation period.

~~To the extent consistent with established practices and legal requirements applicable to the recipient or subrecipient, this subpart does not prohibit recipients or subrecipients from developing written procedures for procurement transactions that incorporate a scoring mechanism that rewards bidders that commit to specific numbers and types of U.S. jobs, minimum compensation, benefits, on-the-job-training for employees making work products or providing services on a contract, and other worker protections. This subpart also does not prohibit recipients and subrecipients from making inquiries of bidders about these subjects and 2 C.F.R. Revisions 2024: Unofficial Comparison Version assessing the responses. Any scoring mechanism must be consistent with the U.S. Constitution, applicable Federal statutes and regulations, and the terms and conditions of the Federal award.~~

Solicitation Language (Purchasing Procedures)

The District shall have written procurement procedures ~~(in accordance with 2 C.F.R. 200.319(d))~~ that require that all solicitations made pursuant to this policy incorporate a clear and accurate description of the technical requirements for the ~~property, equipment, or service being procured~~ ~~material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition.~~ The description may include a statement of the qualitative nature of the ~~property, equipment, material and/or product or service to be procured. When necessary, the description must and, when necessary, shall~~ set forth those minimum essential characteristics and standards to which ~~the property, equipment, or service shall conform~~ ~~it shall conform if it is to satisfy its intended use.~~ Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to ~~clearly and accurately describe~~ make a clear and accurate description of the technical requirements, a "brand name or equivalent" description ~~of features to provide procurement requirements may be used.~~ The specific features of the named brand must be clearly stated and the District must identify any additional requirements which the offerors must fulfill and all other factors that will be used in evaluating bids or proposals ~~may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which shall be met by offers shall be clearly stated; and identify all requirements which the offerors shall fulfill and all other factors to be used in evaluating bids or proposals.~~

The Board will not approve any expenditure for an unauthorized purchase or contract.

Procurement Methods

The District shall have and use documented procedures, consistent with the standards described above for the following methods of procurement:

A. Informal Procurement Methods

~~Informal procurement methods for small purchases expedite the completion of transactions, minimize administrative burdens, and reduce costs. Informal procurement methods may be used when the value of the procurement transaction~~ When the value of the procurement for property or services under a Federal award does not exceed the simplified acquisition threshold, or a lower threshold established by the State, formal procurement methods are not required. The ~~informal procurement methods~~ District may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the simplified acquisition threshold include:

1. Micro-Purchases

Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed \$ 10,000 **[not to exceed \$10,000]**. To the ~~maximum~~ extent practicable, the District should distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be made without soliciting competitive quotations if the Superintendent considers the price to be reasonable based on research, experience, purchase history, or other relevant information, and ~~maintains documents to support its conclusion~~ documents are filed accordingly. The District shall maintain evidence of this reasonableness in the records of all purchases made by this method.

~~[] Unless otherwise defined by State or local law, Districts are responsible for determining and documenting an appropriate micro purchase threshold in accordance with 2 C.F.R. 200.320(a)(iv) based on internal controls, an evaluation of the risk, and its documented procurement procedures. The micro purchase threshold used by the District shall be authorized or not prohibited under State, local, or tribal laws or regulations. An eligible District may self certify a threshold up to \$50,000 on an annual basis and must maintain documentation to be made available to the Federal agency or pass through entity and auditors in accordance with C.F.R. 200.334A District which is qualified as a low risk auditee for the most recent audit (C.F.R. 200.520) may increase the micro purchase threshold up to \$_____ **[SEE DRAFTING NOTE]**. An eligible District may self certify the micro purchase threshold on an annual basis after completing the annual internal institutional risk assessment to identify, mitigate, and manage financial risks. The self certification, in accordance with C.F.R. 200.334, must include a justification, clear identification of the threshold, and supporting documentation of any of the following: the qualifications listed above.~~

- a. ~~a qualification as a low risk auditee, in accordance with the criteria in C.F.R. 200.520;~~
- b. ~~an annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or~~
- c. ~~For public institutions, a higher threshold is consistent with State law.~~

[DRAFTING NOTE: The Federal regulation allows for a \$50,000 threshold, however, the Revised School Code provides for a lower amount (\$29,572 for the 2023-24 fiscal year \$26,046 for the 2021-22 year). While this authority is allowed for an entity qualified as a low-risk auditee, Neola does not suggest its use due to the complexity and subjectivity of the mechanism.]

2. Small Purchases

Small purchases include the acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition, ~~or State Statutory Bid~~ threshold of \$ _____. Small purchase procedures require that price or rate quotations shall be obtained

from ~~[CHOOSE AN OPTION] ()~~ ~~_____~~ ~~[ENTER AMOUNT; SEE DRAFTING NOTE] (x)~~ an adequate number of ~~[END OF OPTION]~~ qualified sources. ~~[DRAFTING NOTE: 1. The competitive threshold for the 2023-24 fiscal year is \$29572, effective October 23, 2023~~ ~~2021-22 year is \$26,046, effective October 7, 2021. 2. Unless the pass-through entity or State law defines the number of quotes required, the District may define in policy how many quotations are adequate. The number must be greater than one (1).]~~

Districts are responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk, and its documented procurement procedures which must not exceed the threshold established in the Federal Acquisition Regulations (FAR). When applicable, a lower simplified acquisition threshold used by the ~~District~~ ~~non-Federal entity~~ must be authorized or not prohibited under State, local, or tribal laws or regulations.

B. Formal Procurement Methods

When the value of the procurement for property or services under a Federal award exceeds the simplified acquisition threshold, or a lower threshold established by the State, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement method can be used in accordance with the standards on competition in C.F.R. 200.319 or non-competitive procurement. The formal methods of procurement are:

1. Sealed Bids

Sealed, competitive bids shall be obtained when the purchase of, and contract for, single items of supplies, materials, or equipment which amounts to more than the amount allowed by Michigan statute and when the Board determines to build, repair, enlarge, improve, or demolish a school building/facility the cost of which will exceed the amount allowed by Michigan statute. ~~[DRAFTING NOTE: The fiscal year 2023-2024~~ ~~2021-22 base pertaining to construction, renovation, repair, or remodeling and the base pertaining to procurement of supplies, materials, and equipment is~~ ~~\$29,572, effective October 23, 2023~~ ~~\$26,046, effective October 7, 2021.]~~

In order for sealed bidding to be feasible, the following conditions shall be present:

- a. a complete, adequate, and realistic specification or purchase description is available;
- b. two (2) or more responsible bidders ~~have been identified as~~ ~~are~~ willing and able to compete effectively for the business; and
- c. the procurement lends itself to a firm, fixed-price contract and the selection of the successful bidder can be made principally ~~based~~ ~~on the basis of~~ price.

When sealed bids are used, the following requirements apply:

- a. Bids shall be solicited in accordance with the provisions of State law and Policy 6320. Bids shall be solicited from ~~CHOOSE OPTION] ()~~ ~~_____~~ ~~[ENTER AMOUNT] (x)~~ an adequate number of ~~[END OF OPTION]~~ qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid shall be publicly advertised.
- b. The invitation for bids ~~must define the items or services with specific information, including any required specifications, for the bidder to properly respond~~ ~~will include product/contract specifications and pertinent attachments and shall define the items and/or services required in order for the bidder to properly respond.~~
- c. All bids will be opened at the time and place prescribed in the invitation for bids; bids will be opened publicly.
- d. A firm, fixed-price contract ~~is awarded~~ ~~award will be made~~ in writing to the lowest ~~responsive bid and~~ ~~responsible bidder.~~ ~~When specified in the invitation for bids~~ ~~where specified in bidding documents,~~ factors such as discounts, transportation costs, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts ~~must~~ ~~may~~ only be used to determine the low bid when ~~the District determines they are a valid factor based on~~ ~~prior experience~~ ~~indicates that such discounts are usually taken.~~

- e. The Board reserves the right to reject any or all bids, but must document and provide a justification for all bids it rejects for sound documented reason.

2. Proposals

Procurement by proposals is a method in which either a fixed-price or cost-reimbursement type contract is awarded. This method is generally used when conditions are not appropriate for the use of sealed bids or in the case of a recognized exception to the sealed bid method. **[DRAFTING NOTE: Like sealed bids, Federal law does not require a competitive proposal unless the procurement is for over \$250,000. The State/District may set a lower threshold for sealed bids and competitive proposals. Michigan law stipulates a threshold for which sealed bids are required. The competitive threshold for the 2023-24 fiscal year is \$29,572 effective October 23, 2023. 2021-22 year is \$26,046, effective October 7, 2021. (See Policy 6320.)]**

If this method is used, the following requirements apply:

- a. Requests for proposals require public notice, and must be publicized and identify all evaluation factors and their relative importance. To the maximum extent practicable, any proposals submitted in response to the public notice must be considered. Any response to the publicized requests for proposals shall be considered to the maximum extent practical.
- b. Proposals shall be solicited from **[CHOOSE OPTION] () _____ [ENTER AMOUNT] (x)** an adequate number of **[END OF OPTION]** sources.
- c. The District must have written procedures shall use its written method for conducting technical evaluations and for making selections of the proposals received and for selecting recipients.
- d. Contracts must be awarded to the responsible offeror firm whose proposal is most advantageous to the District considering price and other factors program, with price and other factors considered.

The District may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby the competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where the price is not used as a selection factor, can only be used to procure in the procurement of A/E professional services. The method cannot be used to purchase other types of services provided by, though A/E firms are a potential source to perform the proposed effort.

3. Noncompetitive Procurement

Procurement by noncompetitive proposals allows for solicitation of a proposal from only one (1) source and may be used only when one (1) or more of the following circumstances apply:

- a. the aggregate amount of the procurement transaction does not exceed the micro-purchase threshold; micro-purchases
- b. the procurement transaction can only be fulfilled by the item is available only from a single source;
- c. the public exigency or emergency for the requirement will not permit a delay resulting from providing public notice of publicizing a competitive solicitation;
- d. the District requests in writing to use a noncompetitive procurement method, and the Federal agency or pass-through entity provides written approval; or the Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the District
- e. after soliciting several solicitation of a number of sources, competition is determined to be inadequate.

Domestic Preference for Procurement

The District should As appropriate and to the extent consistent with law, the District shall, to the extent practicable and consistent with law under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States. Such requirements shall be included in all subawards, including all contracts, and purchase orders for work or products under the Federal award.

Procurement of Recovered Materials

The District must comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6962. These requirements include:

- A. procuring only items designated in the guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000;
- B. procuring solid waste management services in a manner that maximizes energy and resource recovery; and
- C. establishing an affirmative procurement program for the procurement of recovered materials identified in the EPA guidelines.

The District should, to the greatest extent practicable and consistent with law, purchase, acquire, or use products and services that can be reused, refurbished, or recycled; contain recycled content, are biobased, or are energy and water efficient; and are sustainable.

This may include purchasing compostable items and other products and services that reduce the use of single-use plastic products.

Contract/Price Analysis

The District shall perform a cost or price analysis for every procurement transaction, including contract modifications, in excess of the Simplified Acquisition Threshold (currently \$250,000). The method and degree of analysis conducted depend on the facts surrounding the particular procurement transaction. For example, the District should consider potential workforce impacts in their analysis if the procurement transaction will displace public sector employees. However, as a starting point, the District must make independent estimates before receiving bids or proposals in connection with every procurement action in excess of \$250,000, including contract modifications. A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements. The District must not use the "cost plus a percentage of cost" and "percentage of construction costs" methods of contracting.

Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that the costs incurred or cost estimates included in negotiated prices would be allowable for the District according to cost principle requirements. The method and degree of analysis are dependent on the facts surrounding the particular procurement situation; however, the District shall come to an independent estimate prior to receiving bids or proposals.

~~When performing a cost analysis, the District shall negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration is given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.~~

Time and Materials Contracts

The District uses a time-and-materials type contract only 1) after a determination that no other contract is suitable, and 2) if the contract includes a ceiling price that the contractor exceeds at its own risk. A time-and-materials type contract means a contract whose cost to the District is the sum of the actual costs of materials and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

~~Because~~ Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, the District sets a ceiling price for each contract that the contractor exceeds at its own risk. Further, the District shall assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

Suspension and Debarment

The District will award contracts only to responsible contractors that possess~~possessing~~ the ability to perform successfully under the terms and conditions of the proposed ~~contract~~ procurement. All purchasing decisions shall be made in the best interests of the District and shall seek to obtain the maximum value for each dollar expended. When making a purchasing decision, the District shall consider such factors as 1) contractor integrity; 2) ~~compliance with~~ public policy; 3) ~~compliance~~; 4) proper classification of employees; 5) record of past performance; and 6) ~~4)~~ financial and technical resources.

~~The Superintendent shall have the authority to suspend or debar a person/corporation, for cause, from consideration or award of further contracts. The District is subject to and shall abide by the nonprocurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 C.F.R. Part 180.~~

~~Suspension is an action taken by the District that immediately prohibits a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 C.F.R. Chapter 1) for a temporary period, pending completion of an agency investigation and any judicial or administrative proceedings that may ensue. A person so excluded is suspended. (2 C.F.R. Part 180 Subpart G)~~

~~Debarment is an action taken by the Superintendent to exclude a person from participating in covered transactions and transactions covered under the Federal Acquisition Regulation (48 C.F.R. Chapter 1). A person so excluded is debarred. (2 C.F.R. Part 180 Subpart H)~~

The District shall not subcontract with or award subgrants to any person or company who is debarred or suspended. For contracts over \$25,000, the District shall confirm that the vendor is not debarred or suspended by either checking the Federal government's System for Award Management, which maintains a list of such debarred or suspended vendors, at www.sam.gov; collecting a certification from the vendor; or adding a clause or condition to the covered transaction with that vendor. (2 C.F.R. Part 180 Subpart C)

Bid Protest

The District maintains the following protest procedures to handle and resolve disputes relating to procurements and, in all instances, discloses information regarding the protest to the ~~awarding~~ agency.

A bidder who wishes to file a bid protest shall file such notice and follow procedures prescribed by the Request For Proposals (RFPs) or the individual bid specifications package for resolution. Bid protests shall be filed, in writing, with the Superintendent within seventy-two (72) hours of the opening of the bids in protest.

Within five (5) days of receipt of a protest, the Superintendent shall review the protest as submitted and render a decision regarding the merits of the protest and any impact on the acceptance and rejection of bids submitted. Notice of the filing of a bid protest shall be communicated to the Board and shall be so noted in any subsequent recommendation for the acceptance of bids and awarding of contracts.

Failure to file a notice of intent to protest, or failure to file a formal written protest within the time prescribed, shall constitute a waiver of proceedings.

Maintenance of Procurement Records

The District shall maintain records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to, the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price (including a cost or price analysis).

Records Retention

The District must retain all Federal award records for three (3) years from the date of submission of the final financial report. For awards that are renewed quarterly or annually, the District must retain records for three (3) years from the date of submission of the quarterly or annual financial report, respectively. Records to be retained include, but are not limited to, financial records, supporting documentation, and statistical records. Other records retention requirements shall be in accordance with 2 C.F.R. 200.334.

The District must collect, transmit, and store Federal award information in an open file, non-licensed, and machine-readable formats. The District may substitute electronic versions of original paper records through duplication or other forms of electronic conversion, provided that the procedures are subject to periodic quality control reviews. Quality control reviews must ensure that electronic conversion procedures provide safeguards against the alteration of records and assurance that records remain in a format that is readable by a computer system.

2 C.F.R. 200.317-.326; Appendix II to Part 200

2 C.F.R. 200.334 - 200.336

2 C.F.R. 200.520

[Cross Reference: po6350]

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Legal 2 C.F.R. 200.317-.326; Appendix II to Part 200
 2 C.F.R. 200.334 - 200.336
 2 C.F.R. 200.520

Cross References po6350 - PREVAILING WAGE



Book	Policy Manual
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[DRAFTING NOTE: Travel charges must be consistent with the District's established written policies. The District must allow costs for "above and beyond regular dependent care" if consistent with established written policy for all travel.]

6550 - TRAVEL PAYMENT & REIMBURSEMENT

Travel expenses incurred for official business travel on behalf of the Board of Education shall be limited to those expenses reasonably and necessarily incurred by the employee in the performance of a public purpose authorized, in advance, in accordance with administrative guidelines. **Travel costs may include the transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the District.**

Payment and reimbursement rates for per diem meals, lodging, and mileage shall be approved by the Board annually. The Board shall establish mileage rates ~~()~~ **in accordance with (x)** not exceeding **[END OF OPTION]** the Federal IRS prescribed mileage rate.

Employees are expected to exercise the same care incurring travel expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Unauthorized costs and additional expenses incurred for personal preference or convenience will not be reimbursed.

Unauthorized expenses include but are not limited to alcohol, movies, fines for traffic violations, and the entertainment/meals/lodging of spouses or guests.

[] Commercial airfare costs in excess of the basic least expensive unrestricted accommodations class offered by commercial airlines are unallowable except when such accommodations would (1) require circuitous routing; (2) require travel during unreasonable hours; (3) excessively prolong travel; (4) result in additional costs that would offset the transportation savings; or (5) offer accommodations not reasonably adequate for the traveler's medical needs. Instances of commercial airfare cost in excess of the basic least expensive unrestricted accommodations class must be justified and documented on a case-by-case basis.

[] Temporary dependent care costs (as dependent is defined in 26 U.S.C. 152) above and beyond regular dependent care that directly results from travel to conferences are allowable provided that (1) the costs are a direct result of the individual's travel for the Federal award; (2) the costs are consistent with the District's documented administrative guidelines for all entity travel; and (3) are only temporary during the travel period. Travel costs for dependents are unallowable, except for travel of a duration of six (6) months or more with prior approval of the Federal awarding agency. **[DRAFTING NOTE: Choosing this option requires this also to be applicable to all District policies.]**

[] The costs of identifying and providing locally available dependent-care resources for conference participants are allowable as needed.

[] Conference costs must be appropriate, necessary, and managed to minimize costs to the Federal award.

[DRAFTING NOTE: This draft policy includes the Federal rules for commercial airfare and temporary dependent care costs. Based on State or local laws and policies, Districts may decide that all temporary dependent care costs or commercial airfare costs in excess of the basic least expensive unrestricted accommodations class are unallowable under any circumstance.]

Travel payment and reimbursement provided from Federal funds must be authorized in advance and must be reasonable and consistent with the District's travel policy and administrative guidelines. For travel paid for with Federal funds, the travel authorization must include documentation that demonstrates that (1) the participation in the event by the individual traveling is necessary to the Federal award; and (2) the costs are reasonable and consistent with the District's travel policy.

All travel shall comply with the travel procedures and rates established in the administrative guidelines. All costs incurred with Federal funds must meet the cost allowability standards within Board Policy 6114.

To the extent that the District's policy does not establish the allowability of a particular type of travel cost, the rates and amounts established under 5 U.S.C. 5701-11, ("Travel and Subsistence Expenses; Mileage Allowances"), or by the Administrator of General Services, or by the President (or ~~his/her~~ designee), must apply to travel under Federal awards.

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Legal

2 C.F.R. 200.474



Book	Policy Manual
Section	Vol. 39, No. 1 - EDGAR UGG - September 2024 MI
Title	Vol. 39, No. 1 - EDGAR UGG - September 2024 Revised DISPOSITION OF SURPLUS PROPERTY
Code	po7310
Status	
Adopted	December 14, 2009
Last Revised	August 8, 2016

Revised Policy - Vol. 39, No. 1 - EDGAR/UGG Revisions

7310 - DISPOSITION OF SURPLUS PROPERTY

The Board of Education requires the Superintendent to review the property of the District periodically and to dispose of that material and equipment which is no longer usable in accordance with the terms of this policy.

A. Instructional Material

The District shall review instructional materials (i.e. textbooks, library books, manuals, support materials, etc.) periodically to determine the relevance of such materials to the present world and current instructional programs. The following criteria will be used to review instructional materials for redistribution and possible disposal:

1. concepts or content that do not support the current goals of the curriculum
2. information that may not be current
3. worn beyond salvage

B. Equipment

[DRAFTING NOTE: Pursuant to 2 C.F.R. 200, the following definition regarding equipment being tangible personal property should be added to the County policy. See also Policy 7450 - Property Inventory to provide for a consistent threshold for such expenditures.]

For purposes of this policy, equipment shall mean tangible personal property (including information technology systems), a unit of furniture or furnishings, an instrument, a machine, an apparatus, or a set of articles which retains its shape and appearance with use, is nonexpendable, having a useful life of more than one (1) year, and a per-unit cost that equals or exceeds \$ 10,000 ~~()~~ to replace (x) as a single unit [END OF OPTION] and does not lose its identity when incorporated into a more complex unit.

The District shall inspect the equipment used in the instructional program periodically, to determine the condition and usability of such equipment in the current educational program. Should the equipment be deemed no longer serviceable or usable, the following criteria will be used to determine possible disposal:

1. repair parts for the equipment no longer readily available

- 2. repair records indicate the equipment has no usable life remaining
- 3. obsolete and no longer contributing to the educational program
- 4. some potential for sale at a school auction
- 5. creates a safety or environmental hazard

C. Disposition

The Superintendent is authorized to dispose of obsolete instructional and other property by selling, it to the highest bidder, by donation to appropriate parties, or by proper waste removal in compliance with 2 C.F.R. 200.313(e) and 200.314.

When there is a residual inventory of unused supplies exceeding \$10,000 in aggregate value at the end of the period of performance, and the supplies are not needed for any other Federal award, the District may retain or sell the unused supplies. Unused supplies means supplies that are in new condition, not having been used or opened before. The aggregate value of unused supplies consists of all supply types, not just like-item supplies. The Federal agency or pass-through entity may be entitled to compensation in an amount prescribed in 2 C.F.R. 200.314.

Disposal of surplus property purchased with Federal funds shall be disposed of in accordance with Federal guidelines.

When original or replacement equipment acquired under a Federal award is no longer needed for the original project or program or for other activities currently or previously supported by a Federal awarding agency, the District shall request disposition instructions from the Federal awarding agency if required by the terms and conditions of the Federal award.

Disposition of the equipment will be made in accordance with disposition instructions of the Federal awarding agency.

~~Items of equipment with a current per unit fair market value of \$5,000 or less may be retained, sold or otherwise disposed of with no further obligation to the Federal awarding agency.~~

Except as provided in §200.313~~200.312~~ Federally-owned and exempt property, paragraph (b), or if the Federal awarding agency fails to provide requested disposition instructions within 120 days, items of equipment with a current ~~per unit~~ fair-market value in excess of \$10,000~~5,000~~ (per unit) may be retained by the non-Federal entity or sold. The Federal awarding agency is entitled to an amount calculated by multiplying the current market value or proceeds from sale by the Federal awarding agency's percentage of participation in the cost of the original purchase. If the equipment is sold, the Federal awarding agency may permit the non-Federal entity to deduct and retain from the Federal share \$1,000~~500~~ or ten percent (10%) of the proceeds, whichever is less, to cover expenses associated with the selling and handling of the equipment~~for its selling and handling expenses~~.

The District may transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, the District shall be entitled to compensation for its attributable percentage of the current fair market value of the property.

When included in the terms and conditions of the Federal award, the Federal agency may permit the District to retain equipment, or authorize MDE to permit the District to retain equipment, with no further obligation to the Federal Government unless prohibited by Federal statute or regulation.

[CROSS REFERENCE: po7450]

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Legal	2 C.F.R. 200.312, 200.313
Cross References	po7450 - PROPERTY INVENTORY



Book Policy Manual
 Section Vol. 39, No. 1 - EDGAR UGG - September 2024 MI
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 Code po7450
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 Last Revised February 21, 2022

Revised Policy - Vol. 39, No. 1 - EDGAR/UGG Revisions

7450 - PROPERTY INVENTORY

As steward of this District's property, the Board of Education recognizes that efficient management and full replacement upon loss requires accurate inventory and properly maintained property records.

The Board shall

- conduct a complete inventory
- maintain a continuous inventory

of all District-owned equipment

- and supplies
 - annually.
 - every ____ years. [specify number; Federal regulations require at least once every two (2) years]
 - at such intervals as will coincide with property insurance renewal.

and Generally Accepted Accounting Principles ("G.A.A.P.") reporting requirements.

For purposes of this policy, "equipment" shall mean tangible personal property (including information technology systems), a unit of furniture or furnishings, an instrument, a machine, an apparatus, or a set of articles which retains its shape and appearance with use, is nonexpendable, having a useful life of more than one (1) year, and a per-unit cost that equals or exceeds costs at least \$ 10,000 [DRAFTING NOTE: See also Policy 7310 - Disposition of Surplus Property to provide for a consistent threshold for such expenditures.]

~~() to replace~~

as a single unit [END OF OPTION]

and does not lose its identity when incorporated into a more complex unit. When defining supplies for inventory purposes, no items will be counted whose total value is less than \$ 10,000. DRAFTING NOTE: The Federal threshold (2 C.F.R. 200.439) for a supply designation is \$10,000~~5,000~~ regardless of length of useful life, however, the

District may set an early acquisition cost level for designation as supply. Capital expenditures with a unit cost of \$10,0005,000 or more require prior written approval of the Federal awarding agency or pass-through entity.

It shall be the duty of the Superintendent () Business Manager () _____ **[END OF OPTIONS]** to ensure that inventories are recorded systematically and accurately and property records of equipment are updated and adjusted annually by reference to purchase orders and withdrawal reports.

Major items of equipment shall be subject to annual spot check inventory to determine loss, mislocation, or depreciation; any major loss shall be reported to the Board.

Property records of consumable supplies shall be maintained on a continuous inventory basis.

The Superintendent _____ shall maintain a system of property records which shall show, as appropriate to the item recorded, the:

- A. description and identification (serial number or other identification number);
- B. manufacturer;
- C. year of purchase;
- D. initial cost;
- E. location;
- F. condition and depreciation;
- G. () evaluation in conformity with insurance requirements.

The District is responsible for maintaining and updating property records when there is a change in the status of the property.

Equipment acquired in whole or in part under a Federal award will vest upon acquisition to the District, subject to the following conditions:

- A. The equipment shall be used for the authorized purposes of the award project during the period of performance or until the equipment is no longer needed for the purposes of the project.
- B. While the equipment is being used for the originally-authorized purpose, the District (or subrecipient) must not dispose of or encumber its title or other interests without the approval of the Federal agency or pass-through entity. ~~The equipment shall not be encumbered without the approval of the Federal awarding agency or the pass-through entity.~~
- C. The equipment may only be used and disposed of in accordance with the provisions of the Federal ~~awarding~~ agency or the pass-through entity and Policy 7300 - Disposition of Real/Personal Property and Policy 7310 - Disposition of Surplus Property (), and AG 7310 - Disposal of District Property.
- D. The District must use equipment for the project or program for which it was acquired and for as long as needed, whether or not the project or program continues to be supported by the Federal award. The District must not encumber the equipment without prior approval of the Federal agency or pass-through entity.
- E. When no longer needed for the original project or program, the equipment may be used in other activities in the following order of priority:
 1. Activities under other Federal awards from the Federal agency that funded the original program or project; then
 2. Activities under Federal awards from other Federal agencies. These activities include consolidated equipment for information technology systems.
- F. During the time that equipment is used on the project or program for which it was acquired, the District must also make the equipment available for use on other programs or projects supported by the Federal Government, provided that such use will not interfere with the purpose for which it was originally acquired. First preference for other use of the equipment must be given to other programs or projects supported by the Federal agency that financed the

equipment. Second preference must be given to programs or projects under Federal awards from other Federal agencies. Use for non-Federally funded projects is also permissible, provided such use will not interfere with the purpose for which it was originally acquired. The District should consider charging user fees as appropriate. If the District does use equipment to earn program income, it must not charge a fee that is less than a private company would charge for similar services unless specifically authorized by Federal statute.

- G. When acquiring replacement equipment, the District may either trade-in or sell the equipment and use the proceeds to offset the cost of the replacement equipment.
- H. Property records shall be maintained that include a description of the equipment, a serial number or other identification number, the source of funding for the equipment (including the Federal Award Identification Number (FAIN), title holder, acquisition date, cost of the property, entity, acquisition date, cost of the equipment, percentage of Federal agency contribution toward the original purchase, participation in the project costs for the award under which the equipment was acquired, the location, use, and condition of the property, equipment, and ultimate disposition data, including date of disposal and sale price of the property, equipment.
- I. A physical inventory of the property must be conducted, taken and results reconciled with property records at least once every two (2) years.
- J. A control system shall be in place, developed to provide safeguards for preventing adequate safeguards to prevent loss, damage, or theft of the property. Any such loss, damage, or theft of the property must be investigated. The District must notify the Federal agency or pass-through entity of any loss, damage, or theft of equipment that will have an impact on the program.
- K. Regular, Adequate maintenance procedures shall be implemented to keep the property in proper working, good condition.
- L. Proper sales procedures shall be established to ensure the highest possible return, in the event the District is authorized or required to sell the equipment/property.
- M. When original or replacement equipment acquired under a Federal award is no longer needed for the original project/program or for activities currently or previously supported by a Federal awarding agency, and except as otherwise provided by Federal statutes, regulations, or Federal awarding agency disposition instructions, the District shall request disposition instructions from the Federal awarding agency or pass-through entity if required by the terms and conditions of the Federal award. Disposition of the equipment shall be made in accordance with the provisions of C.F.R. 200.313.

[CROSS REFERENCE: po7310]

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Legal 2 C.F.R. 200.313

Cross References po7310 - DISPOSITION OF SURPLUS PROPERTY



Book Policy Manual

Section Vol. 39, No. 1 - September 2024 MI

Title Vol. 39, No. 1 - September 2024 New ARTIFICIAL INTELLIGENCE ("AI")

Code po7540.09

Status

New Policy - Vol. 39, No. 1

7540.09 - **ARTIFICIAL INTELLIGENCE ("AI")**

The Board of Education recognizes the positive impact that artificial intelligence ("AI") technology may have in the District's educational program and operations. The Superintendent is authorized to support the use of artificial intelligence technology when its use is consistent with the District's mission, goals, and operational integrity.

Any use of artificial intelligence technology in the District's educational program or operations must be in accordance with State and Federal law. **Other Board Policies that relate to this include as well as Board policies (x)** including, but not limited to, the following: ~~Policy 2264 – Nondiscrimination on the Basis of Sex in Education Programs or Activities; Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs and Activities;~~ Policy 5136 - Personal Communication Devices; Policy 5500 – Student Conduct; Policy 7540.03 – Student Technology Acceptable Use and Safety; Policy 7540.04 – Staff Technology Acceptable Use and Safety; Policy 8330 – Student Records; Policy 8350 - Confidentiality; and Policy 8351 - Security Breach of Confidential Databases. **[DRAFTING NOTE: Confirm and Select as Needed] [END OF OPTION]**

Violation of this policy may result in disciplinary consequences. Students may be disciplined for violations, up to and including suspension or expulsion. Staff may be disciplined for violations, up to and including suspension or termination of employment. The Administration will refer any illegal acts to law enforcement.

**[Cross Reference
po5500
po7540.03
po7540.04]**

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Cross References po5500 - STUDENT CONDUCT

po7540.03 - STUDENT TECHNOLOGY ACCEPTABLE USE AND SAFETY

po7540.04 - STAFF TECHNOLOGY ACCEPTABLE USE AND SAFETY



Book	Policy Manual
Section	Vol. 39, No. 1 - September 2024 MI
Title	Vol. 39, No. 1 - September 2024 Revised CRIMINAL JUSTICE INFORMATION SECURITY (NON-CRIMINAL JUSTICE AGENCY)
Code	po8321
Status	
Adopted	January 14, 2013
Last Revised	March 15, 2021

Revised Policy - Vol. 39, No. 1

8321 - CRIMINAL JUSTICE INFORMATION SECURITY (NON-CRIMINAL JUSTICE AGENCY)

The District is required by State law to have the Michigan State Police (MSP) obtain both a State and a Federal Bureau of Investigation ("FBI") criminal history record information ("CHRI") background check report for all employees of the District and contractors, vendors and their employees who work on a regular and continuous basis in the District. This policy provides the appropriate access, maintenance, security, confidentiality, dissemination, integrity, and audit requirements of CHRI in all its forms, whether at rest or in transit. This policy/procedure shall be reviewed and updated at least annually and following any security incidents involving CHRI. To assure the security, confidentiality, and integrity of the CHRI background check information received from the MSP/FBI, the following standards are established:

A. Sanctions for Non-Compliance

Employees who fail to comply with this policy, State and Federal law, current CJISSECPOL, rules or regulations, and any guidelines issued to implement this policy will be subject to discipline for such violations. Discipline can will range from counseling and retraining to discharge and prosecution, based on the nature and severity of the violation, at the District's discretion. All violations will be recorded in writing, with the corrective action taken. The Superintendent shall review, approve, sign, and date all such corrective actions.

B. Local Agency Security Officer (LASO)

The _____ [insert designated administrator] shall be designated as the District's Security Officer ("LASO"). and The LASO is an authorized user/personnel, has completed a fingerprint-based background check where required, and has been found appropriate to access CHRI, and an employee directly involved in evaluating an individual's qualifications for employment or assignment. The LASO shall be responsible for overall implementation of this policy and for data and system security. This shall include:

1. identifying who is using or accessing CHRI and/or systems with access to CHRI;
2. identifying and documenting any equipment connected to the State system;
3. ensuring that personnel security screening procedures are being followed as set forth in this policy;
4. ensuring that approved and appropriate security measures are in place and working as expected;
5. supporting policy compliance and instituting the incident response reporting procedures;

6. ensuring annual awareness and training is being completed by all personnel with authorized access to the CHRI;
7. ensuring that the Michigan State Police are promptly informed of any security incidents involving the abuse or breach of the system and/or access to criminal justice information;
8. reviewing and updating information security policy/procedures annually or after security incidents involving CHRI;
9. ~~to the extent applicable, identifying and documenting how District equipment is connected to the Michigan State Police system;~~
10. employing one (1) or more of the following techniques to increase the security and privacy awareness of system users: displaying posters, offering supplies inscribed with security and privacy reminders; displaying logon screen messages; generating email advisories or notices from organizational officials; conducting awareness events; and
11. to the extent applicable, identifying who is using the Michigan State Police approved hardware, software, and firmware, and ensuring that no unauthorized individuals have access to these items.

The District's LASO shall be the point of contact for the Michigan State Police and should be the person most knowledgeable about this policy. The District's LASO shall be designated on the appropriate form as prescribed and maintained by the Michigan State Police. A new form shall be submitted every time a new LASO is designated and kept on file by the District indefinitely.

C. Privacy Act Statement Disclosure

The District shall ensure that the applicant receives the Federal Privacy Act Statement Disclosure by providing the applicant with the most current version of the MSP RI-030 Live Scan consent form. The applicant will receive this information by hard or electronic copy.

D. Agency User Agreements

The District shall enter into any required User Agreement for Release of CHRI ("User Agreement"), and future amendments, by the Michigan State Police necessary to access the required CHRI on applicants, volunteers, and all other statutorily required individuals, such as contractors and vendors and their employees assigned to the District. Agreements are in place to provide data ownership, individual roles, responsibilities, etc. The District shall request a new user agreement in the event they have a legal name change, they move to a new physical address, or they wish to add or remove fingerprint reason codes. The most current copy of the Agreement shall be maintained on file at the agency indefinitely. The LASO shall be responsible for the District's compliance with the terms of any such User Agreement.

E. Personnel Security

Authorized users/personnel shall be individuals who have been appropriately vetted through a national fingerprint-based background check, as required by school safety legislation, and have been granted access to CHRI data, wherein access is only for the purpose of evaluating an individual's qualifications for employment or assignment.

1. **Subsequent Arrest/Conviction** - If an individual granted access to criminal justice information is subsequently arrested and/or convicted, access shall be suspended immediately until the matter is reviewed by the LASO to determine if continued access is appropriate. Such determination shall be recorded in writing, signed, dated, and maintained with the individual's file. In the event that the LASO has the arrest/conviction, the Superintendent (if not the designated LASO) shall make the determination. If the Superintendent is also the designated LASO, the determination shall be made by the _____ [insert designated administrator]; except that, as noted in D(1)(a), individuals with a felony conviction of any kind will have their access indefinitely suspended.
2. **Public Interest Denial** - If the LASO determines that access to criminal justice information by any individual would not be in the public interest, access shall be denied whether that person is seeking access or has previously been granted access. Such decision and reasons shall be in writing, signed, dated, and maintained in the individual's file.
3. **Approval for Access** - All requests for access to criminal justice information shall be as specified and approved by the LASO. Any such designee must be a direct employee of the District. The District must

maintain a readily accessible list that includes the names of all LASO approved personnel with access to criminal justice information, as well as the reason for providing each individual access. This list shall be made available to the Michigan State Police upon request.

4. **Notification of Termination of Employment/Access or Transfer/Re-assignment** - When an employee's access or employment is terminated, or if the duties for accessing criminal justice information have been transferred or re-assigned to another individual, the employee **[designated individual]** shall be notified promptly in writing. The individual responsible for the termination or transfer/re-assignment shall directly notify the Superintendent **[designated individual]**.
5. **Termination of Employment/Access** - Within twenty-four (24) hours of the termination of employment, all access to criminal justice information shall be terminated immediately for that individual, such as requiring the individual to return any keys or access cards to buildings, offices, and/or files, or closing the individual's account and/or blocking access to any systems containing such information at the District.
6. **Transfer/Re-assignment** - When an individual who has been granted access to criminal justice information has been transferred or re-assigned to other duties, the LASO shall determine whether continued access is necessary and appropriate. If not, the LASO/s/he shall take such steps as necessary to block further access to such information within the twenty-four (24) hour period immediately following the transfer or reassignment. **If such access is not necessary and appropriate, steps to eliminate the individual's access will be taken immediately, such as requiring the individual to return any keys or access cards to buildings, offices, and/or files, or closing the individual's account and/or blocking access to any systems containing such information at the District.**

F. Media Protection

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

1. **Media Storage and Access** - All digital and physical media shall be stored in a physically secure location or controlled area, such as a locked office, locked cabinet, or other similarly secure area(s) which can only be accessed by authorized individuals. If such security cannot be reasonably provided, then all digital CHRI background data shall be encrypted. **Access to such media will be secured at all times when not in use or under the supervision of an authorized individual.** Digital media shall be stored on a District or School server **and unless encrypted, shall be maintained in a lockable filing cabinet, drawer, closet, office, safe, vault, etc.** Storage on a third party server, such as cloud service, is not permitted. Storage of digital media must conform to the requirements in AG 8321 and must be encrypted. **Physical media will be stored within individual records when feasible, or by itself when necessary, and will be maintained in a lockable filing cabinet, drawer, closet, office, safe, vault, etc.**
2. **Media Transport** - Digital and physical media shall only be transported upon sufficient justification approved by the LASO. Digital and physical media shall be protected when being transported outside of a controlled area. Only authorized individuals shall transport the media. Physical media (e.g. printed documents, printed imagery, etc.) shall be transported using a locked container, sealed envelope, or other similarly secure measure. To the extent possible, digital media (e.g., hard drives and removable storage devices such as disks, tapes, flash drives, and memory cards) shall be either encrypted and/or be password protected during the transport process. The media shall be directly delivered to the intended person or destination and shall remain in the physical control and custody of the authorized individual at all times during transport. Access shall only be allowed to an authorized individual.
3. **Media Disposal/Sanitization** - When the CHRI background check is no longer needed, the media upon which it is stored shall either be destroyed or sanitized. The LASO and the Superintendent shall approve in writing the media to be affected. This record shall be maintained by the LASO during the individual's active employment plus an additional six (6) years. **[Note: the regulations do not specify a specific period for maintaining this information. This time period is suggested based on the State of Michigan's background information retention schedule and will likely cover most statutes of limitation limitation and can be retained in digital format.]**
 - a. **Digital Media** - Sanitization of the media and deletion of the data shall be accomplished by either overwriting at least three (3) times or by degaussing, prior to disposal or reuse of the media, **but optical media (such as CDs and DVDs) will be physically destroyed.** If the media is inoperable or will not be reused, it shall be destroyed by shredding, cutting, or other suitable method to assure that any

data will not be retrievable.

- b. **Physical Media** – Disposal of documents, images, or other type of physical record of the criminal history information shall be cross-cut shredded or incinerated. Physical security of the documents and their information shall be maintained during the process by authorized individuals. Documents may not be placed in a wastebasket or burn bag for unauthorized individuals to later collect and dispose of.

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

4. **Personal Mobile Devices** – A personally owned mobile device (mobile phone, tablet, laptop, etc.) or no identifiable owner digital media device shall not be authorized to access, process, store or transmit criminal justice information unless the District has established and documented the specific terms and conditions for personally owned mobile devices through a Mobile Device Management ("MDM") system. An MDM is not required when receiving CHRI from an indirect access information system (i.e., the system provides no capability to conduct transactional activities on State and national repositories, applications, or services).

5. CHRI Background Check Consent and Documentation

All individuals requested to complete a fingerprint-based CHRI background check must execute Michigan State Police Form RI-088A at the time of application, and be notified fingerprints will be used to check the criminal history records of the FBI, prior to completing a fingerprint-based CHRI background check. The most current and unaltered Livescan form (RI-030) will satisfy this requirement and must be retained. Individuals subject to a fingerprint-based CHRI background check shall be provided the opportunity to complete or challenge the accuracy of the individual's criminal history record.

Some type of documentation identifying the position for which a fingerprint-based CHRI background check has been obtained must be retained for every CHRI background check conducted, such as the "Agency User Agreement" (RI-087), an offer letter, employment agreement, new hire checklist, employment contract, volunteer background check form, etc.

6. Controlled Area/Physical Protections

All CHRI obtained from the Michigan State Police pursuant to the statutorily required background checks shall be maintained in the District Office [insert designated location, such as the **Principal's, Human Resources, or other such office**], which is a physically secure and controlled area. The following security precautions will apply to the controlled area:

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

7. Passwords (Standard Authentication)¹

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

- a. at least eight (8) characters long on all systems
- b. not be a proper name or a word found in the dictionary

- c. not be the same as the user identification
- d. not be displayed when entered into the system (must use feature to hide password as typed)
- e. not be transmitted in the clear outside of the secure location used for criminal justice information storage and retrieval
- f. must expire and be changed every ninety (90) days
- g. renewed password cannot be the same as any prior ten (10) passwords used (See also, AG 8321)

8. Security Awareness Training

All individuals who are authorized by the District to have access to criminal justice information or to systems which store criminal justice information shall have basic security awareness training as part of initial training for new users prior to accessing CJi and annually thereafter, and when required by system changes or within thirty (30) days of any security event for individuals involved in the event. ~~within six (6) months of initial assignment/authorization and every two (2) years thereafter.~~ LASOs require enhanced training on the specific duties and responsibilities of those positions and the impact those positions have on the overall security of information systems.

Training is a role-based security and privacy training for personnel with the following roles:

- a. **Basic Role:** All individuals with unescorted access to a physically secure location. (Not typical for NCJAs)
- b. **General Role:** All personnel with access to CJi. This level is designed for people who have physical and logical access to CJi.
- c. **Privileged Role:** This level is designed for all information technology personnel including system administrators, security administrators, network administrators, etc. More access is needed than a general user, but not an assigned LASO. (i.e., CHRISS Administrator)
- d. **Security Role:** This level is designed for personnel with the responsibility to ensure the confidentiality, integrity, and availability of CJi and the implementation of technology in a manner compliant with the CJISSECPOL. (i.e., LASO)

The training shall, to the extent possible, be received through a program approved by the Michigan State Police. A template of the training is provided on the Michigan State Police's website. At a minimum, the training shall comply with the standards established by the U.S. Department of Justice and Federal Bureau of Investigation for Criminal Justice Information Services. (See AG 8321.) A record shall be kept current of all individuals who have completed the security awareness training.

9. Secondary Dissemination of Information

If criminal history background information received from the Michigan State Police is released to another authorized agency under the sharing provision designated by the revised school code, a log of such releases shall be maintained and kept current for all dissemination outside of the CHRISS system indicating:

- a. the date of release;
- b. record disseminated;
- c. method of sharing;
- d. agency personnel that shared the CHRI;
- e. the agency to which the information was released;
- f. the name of the individual recipient at the agency; and
- g. whether authorization was obtained.

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

If CHRI is received from another District or outside agency, an Internet Criminal History Access Tool (ICHAT) background check shall be performed to ensure the CHRI is based on personal identifying information, including the individual's name, sex, and date of birth, at a minimum.

Incident Handling and Responses

The District shall establish operational incident handling procedures for instances of an information security breach. Information security incidents are major incidents that significantly endanger the security or integrity of CHRI. The District will identify responsibilities for information security incidents and include how and who to report such incidents to. The District will ensure appropriate security incident capabilities exist and should incorporate the lessons learned from ongoing incident handling activities. The District will ensure procedures exist and are implemented for a follow-up action of a security breach and for the collection of evidence in cases of legal action. All individuals with direct or indirect access to CHRI shall be trained on how to handle an information security incident, and such training will be included within the provided awareness and training. Information system security incidents shall be tracked using Form CJIS-016 and documented on an ongoing basis. Incident-related information may be obtained from audit monitoring, network monitoring, physical access monitoring, and user/administrator reports. The LASO shall maintain completed security incident reporting forms for three (3) years or until legal action (if warranted) is complete, whichever timeframe is greater. The District shall implement steps for incident handling capabilities, for both digital and physical CHRI media. Incident response testing will be conducted annually using the following tests: tabletop or walk-through exercises, simulations, or other agency appropriate tests. At a minimum, the following will be implemented:

	Physical - Hard Copy CHRI	Digital - Digitally Saved CHRI
1. Preparation	The CHRI container will be locked at all times in the business office where it is stored. The office must be locked when the office staff is not present. [List name of video system if you have one.]	Firewalls, virus protection, and/or malware/spyware protection shall be implemented and maintained to prevent unauthorized access or intrusion of the information systems.
2. Detection	Unauthorized activities or physical intrusions to the building shall be monitored by building alarm or video surveillance. Doors must be locked and checked at night.	Electronic intrusions shall be monitored and detected by the firewalls, virus protection, and/or malware/spyware protection software.
3. Analysis	The LASO will work with police authorities to determine how the incident occurred and what data was affected.	The LASO shall work with the IT department to determine what systems or data were compromised and affected.
4. Containment	The LASO shall lock uncompromised CHRI information in a secure container, or transport CHRI to a secure area.	The IT department shall stop the spread of any intrusion of the information systems and prevent further damage.
5. Eradication	The LASO shall work with law enforcement to remove any threats and compromised CHRI data.	The IT department shall remove the intrusion of the information systems before restoring the system. All steps necessary to prevent recurrence shall be taken before restoring the system.
6. Recovery	The Police shall handle and/or oversee the recovery of stolen CHRI media. The LASO may contact MSP for assistance in re-fingerprinting if necessary.	The IT department shall restore the agency information system and media to a safe environment.

When an incident involving the security of CHRI or systems with access to CHRI is discovered, the following procedures shall be followed:

- A. ~~The LASO shall be notified immediately.~~ All personnel are required to report suspected incidents to the LASO immediately, but not to exceed one (1) hour after discovery. As such, personnel who become aware of an incident or believe an incident has occurred should report to the following individuals, in order:
1. LASO
 2. [Redacted] [Designated Title]
 3. [Redacted] [Designated Title]
 4. [Redacted] [Designated Title]
- B. The breach shall be assessed (including determination of whether notification to individuals is needed, assessment of the extent of the harm, and identification of applicable privacy requirements) and steps taken to correct the situation:
1. access shall be stopped for any unauthorized user;
 2. media shall be secured;
 3. systems shall be shut down as necessary to avoid further exposure to unauthorized access or dissemination of CHRI;
 4. such other steps are deemed necessary by the LASO or authorized personnel involved in assessing the incident.
- C. All necessary information regarding the security breach and District responses shall be recorded, analyzed, and preserved, including who was involved in taking incident response measures.
- D. The LASO shall be responsible for filing the incident report with the MSP using the CJIS-016. Completed CJIS-016 forms shall be retained on an ongoing basis to meet policy requirements for tracking.

The LASO shall monitor MSP information/guidance on incident reports and train authorized users with access to CHRI on detection and response to security incidents.

E. Mobile Device - Incident Handling and Response

1. The LASO shall be notified immediately.
2. The breach shall be assessed and steps taken to correct the ~~situations~~situations:
 - a. access shall be stopped immediately, and remotely if necessary, for any authorized user;
 - b. media shall be secured and steps taken to identify how the incident occurred and what systems or data were compromised or affected;
 - c. systems shall be shut down as necessary to avoid further exposure to unauthorized access or dissemination of CJI;
 - d. such other steps as are deemed necessary by the LASO or authorized personnel involved in assessing the incident.
3. All necessary information regarding the security breach and District responses shall be recorded, analyzed, and preserved, including who was involved in taking incident response measures.
4. Steps shall be taken to restore the device and media to a safe environment.
5. The LASO shall be responsible for filing the incident report with the MSP using form CJIS-016. A copy of the completed form shall be retained and produced to MSP upon request.

When a device is lost the District shall document and indicate how long the device has been lost. Special

reporting procedures for mobile devices shall apply in any of the following situations:

- a. for a lost device, report if the owner:
 1. believed the device was locked;
 2. believed the device was unlocked;
 3. could not validate the device's locked state;
- b. for a total loss of a device, report if:
 1. CHRI was stored on the device;
 2. the device was locked or unlocked;
 3. capable of remote tracking or wiping of device;
- c. report any compromise of a device when the intrusion occurs while still in the owner's possession;
- d. report any compromise outside of the United States.

F. Collection of Evidence

Where an information security incident involves legal action against the District or an individual (either civil or criminal), evidence shall be collected, retained, and presented in accordance with the rules of evidence of the relevant jurisdiction(s). For criminal matters, _____ **[law enforcement agency]** shall be contacted for evidence collection. For civil matters, _____ **[designated legal counsel]** will be contacted for evidence collection.

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

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Legal

Ref: Criminal Justice Information Services - Security Policy (Version 5.6, 2017),
 U.S. Dept. of Justice and Federal Bureau of Investigation
 Noncriminal Justice Agency Compliance Audit Review, Michigan State Police, Criminal
 Justice Information Center, Audit and Training Section
 Conducting Criminal Background Checks, Michigan State Police, Criminal Justice
 Information Center