



**EOLA of MICHIGAN**  
LOCAL TEMPLATES

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

ADMINISTRATION  
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**NEW POLICY - VOL. 31, NO. 1**

**GROUP HEALTH PLANS**

The Board of Education shall have discretion to establish and maintain group health plans for the benefit of eligible employees. The definition of group health plans as used in this policy may include, but is not limited to, major medical, prescription drug, dental and/or vision plans. These group health plans may provide certain health benefit plans to employees as permitted by law.



**[OPTION #1]**

The Board has elected to provide minimum value health coverage for some or all of its eligible employees. The terms and conditions of the health coverage are set forth in the appropriate plan documents.

- [ ]** Eligible employees who have coverage through the employer of a working spouse may receive additional compensation if they waive the District's medical coverage. Eligible employees who waive the medical coverage will be paid an additional ( ) monthly ( ) quarterly compensation equal to \_\_\_% of the cost of single medical coverage for that employee, with the understanding that this additional compensation is subject to FICA and Federal, State and local income tax. To receive this compensation, the eligible employee must provide the District with proof of medical coverage provided by the spouse's employer. **[This policy should be adopted only if the District has established a flexible benefit plan qualified by the Internal Revenue Service].**

**[END OF OPTION #1]**



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**[ ] [OPTION #2]**

The Board has elected not to provide minimum value health coverage for any of its eligible employees. The Board is aware that the failure to offer minimum value health coverage to employees may result in penalties under the Affordable Care Act.

**[END OF OPTION #2]**

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**REVISED POLICY - VOL. 31, NO. 1**

**PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS**

The Board of Education provides coverage to eligible employees under self-funded group health plans. The Board has established the following self-funded group health plans:

- ( ) Medical Plan
- ( ) Prescription Drug Plan
- ( ) Dental Plan
- ( ) Vision Plan
- ( ) Employee Assistance Plan
- ( ) Long-term Care Plan (not long-term disability)
- ( ) Health Flexible Spending Accounts (FSA)
- ( ) Other; specify \_\_\_\_\_

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, as amended by Title I of the Genetic Information Nondiscrimination Act (GINA). Certain health information maintained by these group health plans is afforded significant protection by this Federal law.

The Board hereby appoints the \_\_\_\_\_ to serve as the Privacy Official of the group health plans. **The Privacy Official shall develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the use and disclosure of Protected Health Information. The Privacy Official shall verify that the policies and procedures are current and comply with Federal law.** ~~The Board delegates authority to the Privacy Official to develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the use and disclosure of Protected Health Information. In the event that the HIPAA Privacy Rule is subsequently amended, the Privacy Official is directed to recommend to the Board necessary amendments to the policies and procedures.~~



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~~The Board also acknowledges that the HIPAA Security Rule requires the group health plan(s) to implement various security measures with respect to electronic Protected Health Information. The Board hereby appoints the \_\_\_\_\_ to serve as the Security Official of the group health plans. The Board delegates authority to the Security Official to develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the security of electronic Protected Health Information, if applicable. In the event that the HIPAA Security Rule is subsequently amended, the Security Official is authorized to recommend to the Board necessary amendments to the policies and procedures.~~

**The Board also acknowledges that the HIPAA Security Rule requires the group health plan(s) to implement various security measures with respect to electronic Protected Health Information. The Board hereby appoints the \_\_\_\_\_ to serve as the Security Official of the group health plans. The Security Official shall conduct a risk analysis and to develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the security of electronic Protected Health Information, if applicable. The Security Official shall verify that the policies and procedures are current and comply with Federal law.**

~~The Board further delegates authority to the Privacy Official and/or the Security Official to undertake such other actions as provided by the **HIPAA** administrative guidelines in effect from time to time. The Privacy Official and/or Security Official shall report his/her progress to the Board, upon request. The Board reserves the right to revoke any or all delegations set forth in this policy at any time and for any reason.~~

[ ] ~~Since the~~ **The** Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties (CMP) for violations of the HIPAA Privacy Rule and the HIPAA Security rule, **upon Covered Entities. HHS has not historically imposed these penalties directly upon individuals. Notwithstanding the foregoing,** the Board agrees to indemnify and hold harmless the Privacy Official and Security Official for any CMP imposed upon the Privacy Official or Security Official in connection with the performance of his/her ~~their~~ **delegated** duties for the group health plans. Notwithstanding the foregoing language, the Board shall not indemnify the Privacy Official or Security Official in the event the CMP was-, **except to the extent that any liability is** imposed as the result of intentional misconduct or gross negligence by the Privacy Official or Security Official **as defined by law.**



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The group health plans administrator(s) shall provide timely notifications of breaches of unsecured protected health information in accordance with the Health Information Technology for Economic and Clinical Health (HITECH) Act and accompanying regulations.

The Board reserves the right to revoke any or all appointments set forth in this policy at any time for any reason.

**45 C.F.R. 164.530**

**45 C.F.R. 164.308**

~~29 C.F.R. Part 1635~~

~~42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act~~

~~42 U.S.C. 1320d-5(a)(1)~~

~~45 U.S.C. 160.102(a), 164.308(a)(2), 164.530(a), 164.530(i)~~

**45 C.F.R. 164.530**

**45 C.F.R. 164.308**

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**BOARD OF EDUCATION**  
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**REVISED POLICY - VOL. 31, NO. 1**

**PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS**

The Board of Education provides coverage to eligible employees under fully insured group health plans. The Board has established the following fully insured group health plans:

- ☒ Medical Plan
- ☒ Prescription Drug Plan
- ☒ Dental Plan
- ☒ Vision Plan
- ☐ Employee Assistance Plan
- ☐ Long-term Care Plan (not long-term disability)
- ☒ Other; specify Long term disability

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule as amended by Title I of the Genetic Information Nondiscrimination Act (GINA). Fully insured group health plans generally are exempt from many of the requirements imposed upon self-funded group health plans.

The Board also acknowledges that these fully insured group health plans are required to comply with the HIPAA Security Rule. The group health plans, working together with the insurer, will ensure the confidentiality, integrity, and availability of the group health plans' electronic Protected Health Information in accordance with the HIPAA Security Rule.

~~The Board hereby appoints the \_\_\_\_\_ to serve as the Security Official of the group health plans. The Board delegates authority to the Security Official to perform an information technology risk analysis and to develop risk management procedures, if necessary.~~



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The **Board hereby appoints** *the Deputy Superintendent of HR* **to serve as the Security Official of the group health plans.** ~~shall review the insurer's internal policies and procedures implementing various security measures required by the HIPAA Security Rule with respect to electronic Protected Health Information. All of the group health plans' functions are carried out by the insurer and the insurer owns and controls all of the equipment and media used to create, maintain, receive, and transmit electronic Protected Health Information relating to the group health plans. Accordingly, the insurer is in the best position to implement the technical, physical, and administrative safeguards required by the HIPAA Security Rule. The Security Official may elect to utilize, as administrative guidelines, the insurer's own policies addressing security measures for the group health plans' electronic Protected Health Information, as appropriate.~~

**The Security Official does not have the ability to assess or adjust the insurer's policies related to the HIPAA Security Rule. Accordingly, unless otherwise determined by the Security Official, the group health plans shall utilize as administrative guidelines the insurer's own policies addressing security measures for the group health plans' electronic Protected Health Information.**



**The Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties upon Covered Entities. HHS has not historically imposed these penalties directly upon individuals. Notwithstanding the foregoing, the Board agrees to indemnify and hold harmless the Privacy Official and Security Official in connection with the performance of their delegated duties for the group health plans, except to the extent that any liability is imposed as the result of intentional misconduct or gross negligence by the Privacy Official or Security Official as defined by law.**

The fully insured group health plans established by the Board shall:

- A. Refrain from taking any retaliatory action against any individual for exercising any right under the plan, filing a complaint with Health and Human Services, participating in any proceeding under Part C of Title XI of the Social Security Act, or opposing any act or practice made unlawful by the Privacy Rule provided that the individual has a good faith belief that the practice opposed is unlawful.



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- B. Not impose a requirement that participants waive their rights under the Privacy Rule as a condition of the provision of payment, enrollment in a health plan, or eligibility of benefits.
- C. If the plan document is amended in accordance with the Privacy Rule, the plan must retain a copy of the plan document as amended for six (6) years from the date of its amendment or the date when it last was in effect, whichever is later.
- D. Provide notification to affected individuals, the Secretary of the U.S. Department of Health and Human Services, and the media (when required), if the plan or one of its business associates discovers a breach of unsecured protected health information, in accordance with the requirements of HIPAA and its implementing regulations.

Fully insured group health plans established by the Board shall not create or receive protected health information, except for:

- A. Summary health information. Summary health information is de-identified information that summarizes claims history, claims expenses, or type of claims experienced by health plan participants.
- B. Information on whether an individual is participating in a group health plan, or is enrolled in or has disenrolled from a health insurance issuer or HMO offered by the plan.
- C. Information disclosed to the plan under a signed authorization that meets the requirements of the Privacy Rule.

29 C.F.R. Part 1635

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

45 C.F.R. 160.102(a), 164.530(g), 164.530(h), 164.530(j), 164.530(k), 164.404

45 C.F.R. 164.406, 164.408, 164.502, 164.520(a)





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**NEW POLICY - VOL. 31, NO. 1**

**PATIENT PROTECTION AND AFFORDABLE CARE ACT**

The Board of Education acknowledges that the Patient Protection and Affordable Care Act ("ACA") imposes certain obligations upon the District. Such obligations may include the following:

- A. The District shall notify new employees of health insurance options available through the Health Insurance Marketplace within fourteen (14) days of an employee's employment start date. Sample form notices are available from the U.S. Department of Labor at:

<http://www.dol.gov/ebsa/healthreform/regulations/coverageoptionsnotice.html>

- B. Employees of the District have the option to enroll in the Health Insurance Marketplace. If a full-time employee (as defined by the ACA) of the District enrolls in the Health Insurance Marketplace and receives a subsidy, then the District may be liable for a penalty.

In event that the District concludes that it is fiscally-wise to incur the potential penalty in lieu of providing affordable, minimum value coverage to all full-time employees, the District shall incur the potential penalty.

29 U.S.C. 218B  
26 U.S.C. 4980H



# **EOLA of MICHIGAN**

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**REVISED POLICY - VOL. 31, NO. 1**

### **STATE AID INCENTIVES**

The Board of Education, in its efforts to provide a quality education for the students of this District, shall review annually the State School Aid Act to determine any programs or incentives that offer additional revenues.

The Superintendent shall examine the requirements for each of the programs or incentives to determine which are feasible for this District and provide the Board with the necessary resolutions for those selected.



#### **At Risk Funding**

**The State School Aid Act provides Section 31a funding for instructional and pupil support services who meet the at-risk identification characteristics specified.**

**At-risk characteristics include low achievement on State- or local-administered assessments in mathematics, English language arts, social studies or science; failure to meet proficiency standards in reading by the end of 3rd grade or career and college readiness for high school students at the end of 12th grade; a victim of child abuse or neglect; is a pregnant teenager or teenage parent; has a family history of school failure, incarceration or substance abuse; is a pupil in a priority or priority successor school; and in the absence of State or local assessment data, meets at least two or more identified risk factors.**

**Section 31a funds are limited to instructional services, and direct non-instructional services to pupils. They may not be used for administration or other related costs. The District shall implement multi-tiered systems of support, as required, in order to access such funding.**



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Annually, the Superintendent shall allocate such funding to appropriate programs and services based on District priorities. Section 31a funds may be used to provide an anti-bullying or crisis intervention program.

State School-Aid Act

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**REVISED POLICY - VOL. 31, NO. 1**

**PROBATIONARY TEACHERS**

The Board of Education recognizes its obligation to employ only those professional staff members best trained and equipped to meet the educational needs of the students of this District. The Board shall discharge that obligation by retaining in service only those probationary teachers who meet those standards.

Teachers, new to the District, who have not previously acquired tenure in the State of Michigan, will be in a probationary status for the first five (5) years of employment before becoming eligible for tenure in the District, except as provided below. A teacher must receive ratings of Effective or Highly Effective on the last three (3) annual performance evaluations to achieve tenure.

Probationary teachers who are rated highly effective on the annual performance evaluation in years 2, 3 and 4 achieve tenure after four (4) years. ~~Any probationary teacher under contract prior to July 19, 2011, is in a probationary period for only four (4) years.~~ Any teacher having tenure in the district as of July 19, 2011, will not be required to serve additional probation.

Teachers, new to the District, who have previously acquired tenure in any other Michigan school district, shall be required to serve no more than two (2) years of probation before becoming eligible for tenure in the District but may, at the Board's option, be placed immediately on continuing tenure.

The Superintendent shall ensure that all probationary teachers are provided an Individualized Development Plan, evaluated in a timely manner by appropriate administrators, notified of areas of which performance is not meeting expectations, and are provided assistance in improving their performance.



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The Board shall annually review the performance of all probationary teachers by a date adequate to ensure timely compliance with all statutory, contractual, and other applicable timelines. The Superintendent shall provide to the Board a written recommendation with regard to each such teacher specifically noting the extent to which the probationary teacher's performance is meeting District expectations. On the basis of its review, the Board may, in its discretion, (1) ~~grant tenure, if otherwise eligible;~~ (2) ~~non-renew~~ employment based on unsatisfactory performance; or (3) ~~continue the probationary period of employment if not otherwise eligible for tenure (not to exceed the statutory probation periods).~~ The Board's review of such recommendation shall comport with all applicable statutory, contractual, or other legal requirements.

The Superintendent shall ensure that appropriate notices of the Board's actions are timely sent and delivered to all affected probationary teachers. The Superintendent shall further ensure that appropriate guidelines are drafted implementing the requirements of the Teacher Tenure Act.

**A teacher who is in a probationary period may be dismissed from his/her employment by the Board at anytime.**

M.C.L. 38.81 et seq.

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**REPLACEMENT POLICY - VOL. 31, NO. 1**

**GROUP HEALTH PLANS**

The Board of Education shall have discretion to establish and maintain group health plans for the benefit of eligible employees. The definition of group health plans as used in this policy may include, but is not limited to, major medical, prescription drug, dental and/or vision plans. These group health plans may provide certain health benefit plans to employees as permitted by law.



**[X] [OPTION #1]**

The Board has elected to provide minimum value health coverage for some or all of its eligible employees. The terms and conditions of the health coverage are set forth in the appropriate plan documents.

- [ ] Eligible employees who have coverage through the employer of a working spouse may receive additional compensation if they waive the District's medical coverage. Eligible employees who waive the medical coverage will be paid an additional ( ) monthly ( ) quarterly compensation equal to \_\_\_\_% of the cost of single medical coverage for that employee, with the understanding that this additional compensation is subject to FICA and Federal, State and local income tax. To receive this compensation, the eligible employee must provide the District with proof of medical coverage provided by the spouse's employer. **[This policy should be adopted only if the District has established a flexible benefit plan qualified by the Internal Revenue Service].**

**[END OF OPTION #1]**



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[ ] **[OPTION #2]**

The Board has elected not to provide minimum value health coverage for any of its eligible employees. The Board is aware that the failure to offer minimum value health coverage to employees may result in penalties under the Affordable Care Act.

**[END OF OPTION #2]**

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**REVISED POLICY - VOL. 31, NO. 1**

### PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS

The Board of Education provides coverage to eligible employees under self-funded group health plans. The Board has established the following self-funded group health plans:

- ☒ Medical Plan
- ☒ Prescription Drug Plan
- ☒ Dental Plan
- ☒ Vision Plan
- ☐ Employee Assistance Plan
- ☐ Long-term Care Plan (not long-term disability)
- ☒ Health Flexible Spending Accounts (FSA)
- ☒ Other; specify Long-term disability

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, as amended by Title I of the Genetic Information Nondiscrimination Act (GINA). Certain health information maintained by these group health plans is afforded significant protection by this Federal law.

The Board hereby appoints the Deputy Superintendent of HR to serve as the Privacy Official of the group health plans. **The Privacy Official shall develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the use and disclosure of Protected Health Information. The Privacy Official shall verify that the policies and procedures are current and comply with Federal law.** ~~The Board delegates authority to the Privacy Official to develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the use and disclosure of Protected Health Information. In the event that the HIPAA Privacy Rule is subsequently amended, the Privacy Official is directed to recommend to the Board necessary amendments to the policies and procedures.~~





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The Board also acknowledges that the HIPAA Security Rule requires the group health plan(s) to implement various security measures with respect to electronic Protected Health Information. The Board hereby appoints the \_\_\_\_\_ to serve as the Security Official of the group health plans. The Board delegates authority to the Security Official to develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the security of electronic Protected Health Information, if applicable. In the event that the HIPAA Security Rule is subsequently amended, the Security Official is authorized to recommend to the Board necessary amendments to the policies and procedures.

**The Board also acknowledges that the HIPAA Security Rule requires the group health plan(s) to implement various security measures with respect to electronic Protected Health Information. The Board hereby appoints the Deputy Superintendent of HR to serve as the Security Official of the group health plans. The Security Official shall conduct a risk analysis and to develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the security of electronic Protected Health Information, if applicable. The Security Official shall verify that the policies and procedures are current and comply with Federal law.**

The Board further delegates authority to the Privacy Official and/or the Security Official to undertake such other actions as provided by the **HIPAA** administrative guidelines in effect from time to time. The Privacy Official and/or Security Official shall report his/her progress to the Board, upon request. The Board reserves the right to revoke any or all delegations set forth in this policy at any time and for any reason.

**X** Since the ~~The~~ Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties (CMP) for violations of the HIPAA Privacy Rule and the HIPAA Security rule, **upon Covered Entities. HHS has not historically imposed these penalties directly upon individuals. Notwithstanding the foregoing,** the Board agrees to indemnify and hold harmless the Privacy Official and Security Official for any CMP imposed upon the Privacy Official or Security Official in connection with the performance of his/her ~~their~~ **delegated** duties for the group health plans. Notwithstanding the foregoing language, the Board shall not indemnify the Privacy Official or Security Official in the event the CMP, **except to the extent that any liability is** imposed as the result of intentional misconduct or gross negligence by the Privacy Official or Security Official **as defined by law.**



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**The group health plans administrator(s) shall provide timely notifications of breaches of unsecured protected health information in accordance with the Health Information Technology for Economic and Clinical Health (HITECH) Act and accompanying regulations.**

**The Board reserves the right to revoke any or all appointments set forth in this policy at any time for any reason.**

**45 C.F.R. 164.530**

**45 C.F.R. 164.308**

~~29 C.F.R. Part 1635~~

~~42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act~~

~~42 U.S.C. 1320d-5(a)(1)~~

~~45 U.S.C. 160.102(a), 164.308(a)(2), 164.530(a), 164.530(i)~~

**45 C.F.R. 164.530**

**45 C.F.R. 164.308**

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**REVISED POLICY - VOL. 31, NO. 1**

**PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS**

The Board of Education provides coverage to eligible employees under fully insured group health plans. The Board has established the following fully insured group health plans:

- ☒ Medical Plan
- ☒ Prescription Drug Plan
- ☒ Dental Plan
- ☒ Vision Plan
- ☐ Employee Assistance Plan
- ☐ Long-term Care Plan (not long-term disability)
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The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule as amended by Title I of the Genetic Information Nondiscrimination Act (GINA). Fully insured group health plans generally are exempt from many of the requirements imposed upon self-funded group health plans.

The Board also acknowledges that these fully insured group health plans are required to comply with the HIPAA Security Rule. The group health plans, working together with the insurer, will ensure the confidentiality, integrity, and availability of the group health plans' electronic Protected Health Information in accordance with the HIPAA Security Rule.

The Board hereby appoints \_\_\_\_\_ to serve as the Security Official of the group health plans. The Board delegates authority to the Security Official to perform an information technology risk analysis and to develop risk management procedures, if necessary.



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The Board hereby appoints *Deputy Superintendent of HR* to serve as the Security Official of the group health plans. ~~shall review the insurer's internal policies and procedures implementing various security measures required by the HIPAA Security Rule with respect to electronic Protected Health Information. All of the group health plans' functions are carried out by the insurer and the insurer owns and controls all of the equipment and media used to create, maintain, receive, and transmit electronic Protected Health Information relating to the group health plans. Accordingly, the insurer is in the best position to implement the technical, physical, and administrative safeguards required by the HIPAA Security Rule. The Security Official may elect to utilize, as administrative guidelines, the insurer's own policies addressing security measures for the group health plans' electronic Protected Health Information, as appropriate.~~

The Security Official does not have the ability to assess or adjust the insurer's policies related to the HIPAA Security Rule. Accordingly, unless otherwise determined by the Security Official, the group health plans shall utilize as administrative guidelines the insurer's own policies addressing security measures for the group health plans' electronic Protected Health Information.

*X* The Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties upon Covered Entities. HHS has not historically imposed these penalties directly upon individuals. Notwithstanding the foregoing, the Board agrees to indemnify and hold harmless the Privacy Official and Security Official in connection with the performance of their delegated duties for the group health plans, except to the extent that any liability is imposed as the result of intentional misconduct or gross negligence by the Privacy Official or Security Official as defined by law.

The fully insured group health plans established by the Board shall:

- A. Refrain from taking any retaliatory action against any individual for exercising any right under the plan, filing a complaint with Health and Human Services, participating in any proceeding under Part C of Title XI of the Social Security Act, or opposing any act or practice made unlawful by the Privacy Rule provided that the individual has a good faith belief that the practice opposed is unlawful.



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- B. Not impose a requirement that participants waive their rights under the Privacy Rule as a condition of the provision of payment, enrollment in a health plan, or eligibility of benefits.
- C. If the plan document is amended in accordance with the Privacy Rule, the plan must retain a copy of the plan document as amended for six (6) years from the date of its amendment or the date when it last was in effect, whichever is later.
- D. Provide notification to affected individuals, the Secretary of the U.S. Department of Health and Human Services, and the media (when required), if the plan or one of its business associates discovers a breach of unsecured protected health information, in accordance with the requirements of HIPAA and its implementing regulations.

Fully insured group health plans established by the Board shall not create or receive protected health information, except for:

- A. Summary health information. Summary health information is de-identified information that summarizes claims history, claims expenses, or type of claims experienced by health plan participants.
- B. Information on whether an individual is participating in a group health plan, or is enrolled in or has disenrolled from a health insurance issuer or HMO offered by the plan.
- C. Information disclosed to the plan under a signed authorization that meets the requirements of the Privacy Rule.

29 C.F.R. Part 1635

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

45 C.F.R. 160.102(a), 164.530(g), 164.530(h), 164.530(j), 164.530(k), 164.404

45 C.F.R. 164.406, 164.408, 164.502, 164.520(a)



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**NEW POLICY - VOL. 31, NO. 1**

**PATIENT PROTECTION AND AFFORDABLE CARE ACT**

The Board of Education acknowledges that the Patient Protection and Affordable Care Act ("ACA") imposes certain obligations upon the District. Such obligations may include the following:

- A. The District shall notify new employees of health insurance options available through the Health Insurance Marketplace within fourteen (14) days of an employee's employment start date. Sample form notices are available from the U.S. Department of Labor at:

<http://www.dol.gov/ebsa/healthreform/regulations/coverageoptionsnotice.html>

- B. Employees of the District have the option to enroll in the Health Insurance Marketplace. If a full-time employee (as defined by the ACA) of the District enrolls in the Health Insurance Marketplace and receives a subsidy, then the District may be liable for a penalty.

In event that the District concludes that it is fiscally-wise to incur the potential penalty in lieu of providing affordable, minimum value coverage to all full-time employees, the District shall incur the potential penalty.

29 U.S.C. 218B  
26 U.S.C. 4980H



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**DELETE POLICY - VOL. 31, NO. 1**

**HEALTH INSURANCE BENEFIT**

The Board of Education shall provide health insurance to all full-time staff members in accordance with the plan described in the District's Health Insurance Plan known as \_\_\_\_\_.

Those employees who have coverage through the employer of a working spouse may waive the District's health insurance coverage. Those staff members who waive the insurance will be paid an additional ( ) **monthly** ( ) **quarterly** compensation equal to \_\_\_% of the cost of single health insurance coverage for that employee, with the understanding that this additional compensation is subject to FICA and Federal, State, and local income tax. The waiver must be in writing and be accompanied by evidence of other health insurance coverage.

Staff members may either waive insurance coverage or revoke a previous waiver on an annual basis and in accordance with the procedure described in the plan.

**[THIS POLICY SHOULD BE ADOPTED ONLY IF THE DISTRICT HAS ESTABLISHED A FLEXIBLE BENEFIT PLAN QUALIFIED BY THE INTERNAL REVENUE SERVICE.]**



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**REPLACEMENT POLICY - VOL. 31, NO. 1**

**GROUP HEALTH PLANS**

The Board of Education shall have discretion to establish and maintain group health plans for the benefit of eligible employees. The definition of group health plans as used in this policy may include, but is not limited to, major medical, prescription drug, dental and/or vision plans. These group health plans may provide certain health benefit plans to employees as permitted by law.



**[OPTION #1]**

The Board has elected to provide minimum value health coverage for some or all of its eligible employees. The terms and conditions of the health coverage are set forth in the appropriate plan documents.

- [ ] Eligible employees who have coverage through the employer of a working spouse may receive additional compensation if they waive the District's medical coverage. Eligible employees who waive the medical coverage will be paid an additional ( ) monthly ( ) quarterly compensation equal to \_\_\_\_% of the cost of single medical coverage for that employee, with the understanding that this additional compensation is subject to FICA and Federal, State and local income tax. To receive this compensation, the eligible employee must provide the District with proof of medical coverage provided by the spouse's employer. **[This policy should be adopted only if the District has established a flexible benefit plan qualified by the Internal Revenue Service].**

**[END OF OPTION #1]**





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**[ ] [OPTION #2]**

The Board has elected not to provide minimum value health coverage for any of its eligible employees. The Board is aware that the failure to offer minimum value health coverage to employees may result in penalties under the Affordable Care Act.

**[END OF OPTION #2]**

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**REVISED POLICY - VOL. 31, NO. 1**

**PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS**

The Board of Education provides coverage to eligible employees under self-funded group health plans. The Board has established the following self-funded group health plans:

- ( ) Medical Plan
- ( ) Prescription Drug Plan
- ( ) Dental Plan
- ( ) Vision Plan
- ( ) Employee Assistance Plan
- ( ) Long-term Care Plan (not long-term disability)
- ( ) Health Flexible Spending Accounts (FSA)
- ( ) Other; specify \_\_\_\_\_

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, as amended by Title I of the Genetic Information Nondiscrimination Act (GINA). Certain health information maintained by these group health plans is afforded significant protection by this Federal law.

The Board hereby appoints the \_\_\_\_\_ to serve as the Privacy Official of the group health plans. **The Privacy Official shall develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the use and disclosure of Protected Health Information. The Privacy Official shall verify that the policies and procedures are current and comply with Federal law.** ~~The Board delegates authority to the Privacy Official to develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the use and disclosure of Protected Health Information. In the event that the HIPAA Privacy Rule is subsequently amended, the Privacy Official is directed to recommend to the Board necessary amendments to the policies and procedures.~~



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~~The Board also acknowledges that the HIPAA Security Rule requires the group health plans to implement various security measures with respect to electronic Protected Health Information. The Board hereby appoints the \_\_\_\_\_ to serve as the Security Official of the group health plans. The Board delegates authority to the Security Official to develop and implement internal policies and procedures for the group health plan(s) relating to the security of electronic Protected Health Information, if applicable. In the event that the HIPAA Security Rule is subsequently amended, the Security Official is authorized to recommend to the Board necessary amendments to the policies and procedures.~~

**The Board also acknowledges that the HIPAA Security Rule requires the group health plans to implement various security measures with respect to electronic Protected Health Information. The Board hereby appoints the \_\_\_\_\_ to serve as the Security Official of the group health plans.**

**The Security Official shall conduct a risk analysis and to develop and implement internal policies and procedures for the group health plan(s) relating to the security of electronic Protected Health Information, if applicable. The Security Official shall verify that the policies and procedures are current and comply with Federal law.**

~~The Board further delegates authority to the Privacy Official and/or the Security Official to undertake such other actions as provided by the **HIPAA** administrative guidelines in effect from time to time. The Privacy Official and/or Security Official shall report his or her progress to the Board, upon request. The Board reserves the right to revoke any or all delegations set forth in this policy at any time and for any reason.~~

[ ] ~~Since the~~ **The Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties (CMP) for violations of the HIPAA Privacy Rule and the HIPAA Security rule, upon Covered Entities. HHS has not historically imposed these penalties directly upon individuals. Notwithstanding the foregoing, the Board agrees to indemnify and hold harmless the Privacy Official and Security Official for any CMP imposed upon the Privacy Official or Security Official in connection with the performance of his/her their delegated duties for the group health plans. Notwithstanding the foregoing language, the Board shall not indemnify the Privacy Official or Security Official in the event the CMP, except to the extent that any liability is was imposed as the result of intentional misconduct or gross negligence by the Privacy Official or Security Official as defined by law.**



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The group health plans administrator(s) shall provide timely notifications of breaches of unsecured protected health information in accordance with the Health Information Technology for Economic and Clinical Health (HITECH) Act and accompanying regulations.

The Board reserves the right to revoke any or all appointments set forth in this policy at any time for any reason.

**45 C.F.R. 164.530**

**45 C.F.R. 164.308**

~~29 C.F.R. Part 1635~~

~~42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act~~

~~42 U.S.C. 1320d-5(a)(1)~~

~~45 U.S.C. 160.102(a), 164.308(a)(2), 164.530(a), 164.530(i)~~

**45 C.F.R. 164.530**

**45 C.F.R. 164.308**

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**REVISED POLICY - VOL. 31, NO. 1**

**PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS**

The Board of Education provides coverage to eligible employees under fully insured group health plans. The Board has established the following fully insured group health plans:

- ☒ Medical Plan
- ☒ Prescription Drug Plan
- ☒ Dental Plan
- ☒ Vision Plan
- ☐ Employee Assistance Plan
- ☐ Long-term Care Plan (not long-term disability)
- ☒ Other; specify Long-term disability

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule as amended by Title I of the Genetic Information Nondiscrimination Act (GINA). Fully insured group health plans generally are exempt from many of the requirements imposed upon self-funded group health plans.

The Board also acknowledges that these fully insured group health plans are required to comply with the HIPAA Security Rule. The group health plans, working together with the insurer, will ensure the confidentiality, integrity, and availability of the group health plans' electronic Protected Health Information in accordance with the HIPAA Security Rule.

The Board hereby appoints \_\_\_\_\_ to serve as the Security Official of the group health plans. The Board delegates authority to the Security Official to perform an information technology risk analysis and to develop risk management procedures, if necessary.



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The Board hereby appoints *Deputy Superintendent of HR* to serve as the Security Official of the group health plans. ~~shall review the insurer's internal policies and procedures implementing various security measures required by the HIPAA Security Rule with respect to electronic Protected Health Information. All of the group health plans' functions are carried out by the insurer and the insurer owns and controls all of the equipment and media used to create, maintain, receive, and transmit electronic Protected Health Information relating to the group health plans. Accordingly, the insurer is in the best position to implement the technical, physical, and administrative safeguards required by the HIPAA Security Rule. The Security Official may elect to utilize, as administrative guidelines, the insurer's own policies addressing security measures for the group health plans' electronic Protected Health Information, as appropriate.~~

The Security Official does not have the ability to assess or adjust the insurer's policies related to the HIPAA Security Rule. Accordingly, unless otherwise determined by the Security Official, the group health plans shall utilize as administrative guidelines the insurer's own policies addressing security measures for the group health plans' electronic Protected Health Information.

X The Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties upon Covered Entities. HHS has not historically imposed these penalties directly upon individuals. Notwithstanding the foregoing, the Board agrees to indemnify and hold harmless the Privacy Official and Security Official in connection with the performance of their delegated duties for the group health plans, except to the extent that any liability is imposed as the result of intentional misconduct or gross negligence by the Privacy Official or Security Official as defined by law.

The fully insured group health plans established by the Board shall:

- A. Refrain from taking any retaliatory action against any individual for exercising any right under the plan, filing a complaint with Health and Human Services, participating in any proceeding under Part C of Title XI of the Social Security Act, or opposing any act or practice made unlawful by the Privacy Rule provided that the individual has a good faith belief that the practice opposed is unlawful.



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- B. Not impose a requirement that participants waive their rights under the Privacy Rule as a condition of the provision of payment, enrollment in a health plan, or eligibility of benefits.
- C. If the plan document is amended in accordance with the Privacy Rule, the plan must retain a copy of the plan document as amended for six (6) years from the date of its amendment or the date when it last was in effect, whichever is later.
- D. Provide notification to affected individuals, the Secretary of the U.S. Department of Health and Human Services, and the media (when required), if the plan or one of its business associates discovers a breach of unsecured protected health information, in accordance with the requirements of HIPAA and its implementing regulations.

Fully insured group health plans established by the Board shall not create or receive protected health information, except for:

- A. Summary health information. Summary health information is de-identified information that summarizes claims history, claims expenses, or type of claims experienced by health plan participants.
- B. Information on whether an individual is participating in a group health plan, or is enrolled in or has disenrolled from a health insurance issuer or HMO offered by the plan.
- C. Information disclosed to the plan under a signed authorization that meets the requirements of the Privacy Rule.

29 C.F.R. Part 1635

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

45 C.F.R. 160.102(a), 164.530(g), 164.530(h), 164.530(j), 164.530(k), 164.404

45 C.F.R. 164.406, 164.408, 164.502, 164.520(a)



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**NEW POLICY - VOL. 31, NO. 1**

**PATIENT PROTECTION AND AFFORDABLE CARE ACT**

The Board of Education acknowledges that the Patient Protection and Affordable Care Act ("ACA") imposes certain obligations upon the District. Such obligations may include the following:

- A. The District shall notify new employees of health insurance options available through the Health Insurance Marketplace within fourteen (14) days of an employee's employment start date. Sample form notices are available from the U.S. Department of Labor at:

<http://www.dol.gov/ebsa/healthreform/regulations/coverageoptionsnotice.html>

- B. Employees of the District have the option to enroll in the Health Insurance Marketplace. If a full-time employee (as defined by the ACA) of the District enrolls in the Health Insurance Marketplace and receives a subsidy, then the District may be liable for a penalty.

In event that the District concludes that it is fiscally-wise to incur the potential penalty in lieu of providing affordable, minimum value coverage to all full-time employees, the District shall incur the potential penalty.

29 U.S.C. 218B  
26 U.S.C. 4980H





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**DELETE POLICY - VOL. 31, NO. 1**

**HEALTH INSURANCE BENEFIT**

The Board of Education shall provide health insurance to all full-time staff members in accordance with the plan described in the District's Health Insurance Plan known as \_\_\_\_\_.

Those employees who have coverage through the employer of a working spouse may waive the District's health insurance coverage. Those staff members who waive the insurance will be paid an additional ( ) **monthly** ( ) **quarterly** compensation equal to \_\_\_\_% of the cost of single health insurance coverage for that employee, with the understanding that this additional compensation is subject to FICA and Federal, State, and local income tax. The waiver must be in writing and be accompanied by evidence of other health insurance coverage.

Staff members may either waive insurance coverage or revoke a previous waiver on an annual basis and in accordance with the procedure described in the plan.

**[THIS POLICY SHOULD BE ADOPTED ONLY IF THE DISTRICT HAS ESTABLISHED A FLEXIBLE BENEFIT PLAN QUALIFIED BY THE INTERNAL REVENUE SERVICE.]**



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**REVISED POLICY - VOL. 31, NO. 1**

**STUDENT FUND-RAISING**

The Board of Education acknowledges that the solicitation of funds from students must be limited since compulsory attendance laws make the student a captive donor and may also disrupt the program of the schools.

For purposes of this policy "student fund-raising" shall include the solicitation and collection of money from students for any purpose and shall include the collection of money in exchange for tickets, papers, or any other goods or services for approved student activities. "Student fund-raising" also includes giving away goods or services, but suggesting a monetary donation.

The Board will permit student fund-raising by students in school, on school property, or at any school-sponsored event only when the profit therefrom is to be used for school purposes or for an activity connected with the schools.

Fund raising by approved school organizations, whose funds are managed by the District, may be permitted in school by the Principal. Such fund-raising that occurs off school grounds may be permitted by the Superintendent.



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**[NOTE: CHOOSE EITHER OPTION 1 OR OPTION 2]**

**[OPTION 1 - no exceptions]**

- ☐ For any fund-raisers, including those operated by student clubs and organizations, parent groups, or boosters clubs, that involve the sale of food items and/or beverages to students that will be consumed on the school campus (any area of property under the jurisdiction of the school that is accessible to students during the school day) during the school day (the period from the midnight before, to thirty (30) minutes after the end of the official school day), the food items and/or beverages to be sold shall comply with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in Schools nutrition standards, and also be consistent with requirements set forth in Policy 8500 - Food Services. Further, there shall be no exemptions from the standards for competitive foods in any of the District's schools.

**[END OF OPTION 1]**

**[OPTION 2 - exceptions per State law and Michigan Department of Education regulation]**

- ☒ The Board permits two (2) fundraisers per ~~X~~ week ( ) month ( ) year per school that involve the sale of food items and/or beverages that are an exception to the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in Schools regulations for consumption on campus during the school day by students.

**[NOTE: The Michigan Department of Education's Administrative Policy No. 21 sets the upper limit for non-compliant fundraisers at two (2) per week.]**

Other than approved non-compliant fundraisers, the food and/or beverage items to be sold for any other fund-raisers by student clubs and organizations, parent groups, or booster clubs and consumed on campus, shall comply with the current USDA Dietary Guidelines for Americans, and the USDA Smart Snacks in Schools nutrition standards, and also be consistent with requirements set forth in Policy 8500 - Food Services.



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If approved, fund-raisers that involve the sale of food items or beverages to students on campus must be consistent with regulations established in Policy 8500, Food Services, pertaining to the sale of foods and beverages during food-service hours, whether those food items and beverages are compliant with, or an exception to, the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in Schools nutrition standards.



If an exception is granted to the requirement that food items and beverages are compliant with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in Schools nutrition standards, the Principal shall also maintain records for each exception, including, but not limited to, the length of the fundraiser, the type, quantity, and price of the food item and/or beverage sold, and the gross and net amount raised.

**[END OF OPTION 2]**

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Use of the name, logo, or any assets of the District, including, but not limited to facilities, technology, or communication networks, is prohibited without the specific permission of the

( ) Board.



Superintendent.

[OPTION #1]

[ ]

The Board of Education does not permit or sanction the use of crowdfunding for District or specific school programs or activities, including co-curricular or extracurricular activities.

[END OF OPTION #1]

OR

[OPTION #2]



Crowdfunding activities aimed at raising funds for a specific classroom or school activity, including extracurricular activity, or to obtain supplemental resources (e.g., supplies or equipment) that are not required to provide a free appropriate public education to any students in the classroom may be permitted, but only with the specific approval



of the Superintendent.

OR

( ) of the Board upon the recommendation of the Superintendent.

All crowdfunding activities are subject to AG 6605.

[END OF OPTION #2]



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Fund-raising by students on behalf of those school-related organizations and District support organizations, whose funds are not managed by the District, may be permitted on or off school grounds by the Superintendent.

All fund-raising by school-related organizations and District support organizations, both those whose funds are managed by the Fiscal Officer and those whose funds are not managed by the Fiscal Officer, shall be done in accordance with Policy 9211 and Policy 9700.

The Superintendent shall establish administrative guidelines for the solicitation of funds that shall:

- A. specify the times and places in which funds may be collected;
- B. describe permitted methods of solicitation which do not place undue pressure on students;
- C. limit the kind and amount of advertising for solicitation;
- D. require that the Board approve the distribution or liquidation of monies remaining in a student activity account when the organization is defunct or disbanded; and
- E. limit the number of fund-raising events.

Advisors for approved school organizations shall not accept any form of compensation from vendors that might influence their selection on a vendor that will provide a fund-raising activity or a product that will be sold as a fund-raiser. Furthermore, advisors for approved school organizations shall not accept any compensation from a vendor after a decision has been made regarding a fund-raising activity or a product that will be sold as a fund-raiser. In addition, advisors for approved school organizations who make the selection of a vendor that will provide a fund-raising activity or a product that will be sold as a fund-raiser shall not enter into a contractual arrangement whereby an advisor receives compensation in any form from the vendor that provides a fund-raising activity or a product that will be sold as a fund-raiser.



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Such compensation includes, but is not limited to, cash, checks, stocks, or any other form of securities, and gifts such as televisions, microwave ovens, computers, discount certificates, travel vouchers, tickets, passes, and other such things of value. In the event that an advisor of an approved school organization receives such compensation, albeit unsolicited, from a vendor, the individual shall notify the Fiscal Officer, in writing, that s/he received such compensation and shall thereafter properly transmit said compensation to the Fiscal Officer at his/her earliest opportunity.

The Superintendent shall distribute this policy and the guidelines which implement it to each organization granted permission to solicit funds.

M.C.L. 380.1272b  
7 C.F.R. Parts 210 and 220  
42 U.S.C. 1779

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**REVISED POLICY - VOL. 31, NO. 1 [OPTIONAL]**

### PURCHASING CARDS

The Board of Education recognizes that bank **credit cards** ("purchasing cards") offer a ~~valuable~~ **lean** alternative to existing procurement processes and provide a convenient, efficient method of purchasing ~~minor~~ goods and services. ~~with a value of less than \$\_\_\_\_\_.~~ Board employees authorized by the ~~Treasurer~~ **Superintendent** may use purchasing cards only for school-related purposes in accordance with this policy and administrative guidelines to be developed by the Superintendent. Purchasing cards shall not be used to circumvent the general purchasing procedures required by State law and Board policy.

All approved cardholders must abide by purchasing card procedures and regulations set forth in this policy and relevant administrative guidelines. All transactions must be made by the individual to whom the card is issued.

~~Purchasing card banks shall be not be provided with individual cardholder information (e.g., credit records or social security numbers) other than the individual cardholder's work address.~~ **To obtain a purchasing card, approved employees must provide the bank issuing the card with all personal information required by the bank to issue a card.**

The \_\_\_\_\_ shall conduct independent regular reviews of each cardholder's activity to verify that the purchasing card is being used in accordance with this policy and administrative guidelines. **Card holders must keep receipts from all purchases made and provide receipts upon request.** Prices for commonly priced items should be periodically verified to prevent schemes of purposeful price inflation.

Cardholders must use common sense and good judgement when using school resources. This policy and related administrative guidelines cannot cover every issue, exception, or contingency that may arise during the cardholders use of the purchasing card.

Cardholders will immediately surrender their cards upon request of \_\_\_\_\_ and shall surrender their cards upon separation from employment. Cardholders are required to take reasonable prudent measures to protect the use and custody of the card and shall immediately notify the \_\_\_\_\_ if the card is lost or stolen.

Assistant  
Superintendent  
of Finance





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The purchasing card may never be used to purchase alcohol, or personal items or services. The personal gain of credit card rewards such as bonus points, frequent flyer miles, or any other affinity program reward by the employee/cardholder is prohibited under any circumstances.

Misuse of the purchasing card may result in disciplinary action.

**[DRAFTER'S NOTE: NEOLA does not necessarily recommend adoption of this policy, due to the issues with security of the cards, monitoring purchases and the potential disclosure of employee personal information to obtain the card. A number of districts, however, have requested a policy on purchasing cards, and therefore one has been provided. NEOLA encourages districts that choose to adopt this policy to work with their local legal counsel regarding issues that can arise from issuance and use of purchasing cards.]**

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**NEW POLICY - VOL. 31, NO. 1**

**CROWDFUNDING**

This policy applies to the use of any form of crowdfunding utilizing an online service or website-based platform for the financial benefit or gain of the District – be it a specific classroom, grade level, department, school, or curricular or extracurricular activity. “Crowdfunding” refers to a campaign to collect typically small amounts of money from a large number of individuals to finance a project or fundraise for a specific cause. Through the use of personal networking, social media platforms, and other Internet based resources, funds are solicited or raised to support a specific campaign or project.

**[DRAFTING NOTE: SELECT OPTION #1 or OPTION #2]**

**[ ] [OPTION #1]**

The Board of Education does not permit or sanction the use of crowdfunding for District or specific school programs or activities, including co-curricular or extracurricular activities.

**[END OF OPTION #1; END OF POLICY**

**OR**



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**[OPTION #2]**

Crowdfunding activities aimed at raising funds for a specific classroom or school activity, including extracurricular activity, or to obtain supplemental resources (e.g., supplies or equipment) that are not required to provide a free appropriate public education to any students in the classroom may be permitted, but only with the specific approval



of the Superintendent.

**OR**

( ) of the Board upon the recommendation of the Superintendent.

All crowdfunding activities are subject to AG 6605.

**[END OF OPTION #2; END OF POLICY]**



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**REVISED POLICY - VOL. 31, NO. 1**

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

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

A. **Sanctions for Non-Compliance**

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

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

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

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



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

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

C. Agency User Agreements

The District shall enter into any User Agreement required, and future amendments, by the Michigan State Police necessary to access the required CHRI on applicants, volunteers, and all other statutorily required individuals, such as contractors and vendors and their employees assigned to the District. The LASO shall be responsible for the District's compliance with the terms of any such User Agreement.



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D. Personnel Security

All individuals that have access to any criminal justice information shall be subject to the following standards:

1. Background Checks - A Michigan (or state of residency if other than Michigan) and a national fingerprint-based criminal history record check shall be conducted within thirty (30) days of assignment to a position with direct access to criminal justice information or with direct responsibility to configure and maintain computer systems and networks with direct access to criminal justice information.
  - a. A felony conviction of any kind will disqualify an individual for access to criminal justice information.
  - b. If any other results/records are returned, the individual shall not be granted access until the LASO reviews and determines access is appropriate. This includes, but is not limited to, any record which indicates the individual may be a fugitive or shows arrests without convictions. Such approval shall be recorded in writing, signed, dated and maintained with the individual's file.
  - c. Support personnel, Information Technology contractors and vendors, and custodial workers with access to physically secure locations or controlled areas (during criminal justice information processing) are subject to the same clearance standards as other individuals with access **and must**, ~~unless they are~~ **be** escorted by authorized personnel at all times when in these locations or areas.



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2. Subsequent Arrest/Conviction - If an individual granted access to criminal justice information is subsequently arrested and/or convicted, access shall be suspended immediately until the matter is reviewed by the LASO to determine if continued access is appropriate. Such determination shall be recorded in writing, signed, dated and maintained with the individual's file. In the event that the LASO has the arrest/conviction, the Superintendent (if not the designated LASO) shall make the determination. If the Superintendent is also the designated LASO, the determination shall be made by *Rest. Sup. of Curriculum* [Insert **Designated Administrator**]. **Except that, as noted in D(1)(a), individuals with a felony conviction of any kind will have their access permanently suspended.**
3. Public Interest Denial - If the LASO determines that access to criminal justice information by any individual would not be in the public interest, access shall be denied whether that person is seeking access or has previously been granted access. Such decision and reasons shall be in writing, signed, dated and maintained in the individual's file.
4. Approval for Access - All requests for access to criminal justice information shall be as specified and approved by the LASO. Any such designee must be a direct employee of the District. The District must maintain a readily accessible list that includes the names of all LASO approved personnel with access to criminal justice information, as well as the reason for providing each individual access.
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, and steps taken to assure security of such information and any systems at the District to access such information.



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6. Transfer/Re-assignment - When an individual who has been granted access to criminal justice information has been transferred or re-assigned to other duties, the LASO shall determine whether continued access is necessary and appropriate. If not, s/he shall take such steps as necessary to block further access to such information **within the twenty-four (24) hour period immediately following the transfer or reassignment.**
7. Information Technology Contractors and Vendors<sup>1</sup> - Prior to granting access to criminal justice information to an IT contractor or vendor, identification must be verified via a Michigan (or state of residency if other than Michigan) and national fingerprint-based criminal history record check; ~~unless they are escorted by authorized personnel at all times when accessing the criminal justice information.~~ A felony conviction of any kind, as well as any outstanding arrest warrant, will disqualify an IT contractor or vendor for access to criminal justice information. A contractor or vendor with a criminal record of any other kind may be granted access if the LASO determines the nature or severity of the misdemeanor offense(s) does not warrant disqualification. If any other results/records are returned, the individual shall not be granted access until the LASO reviews and determines access is appropriate.

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





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E. Media Protection

Access to ~~electronic~~**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 ~~electronic~~**digital** and physical media containing CHRI.

1. Media Storage and Access – All ~~electronic~~**digital** and physical media shall be stored in a physically secure location or controlled area, such as locked office, locked cabinet or other similarly secure area(s) which can only be accessed by authorized individuals. If such security cannot be reasonably provided, then all ~~electronic~~**digital** CHRI background data shall be encrypted. ~~Electronic~~**Digital** media shall be stored on a District or School server. Storage on a third party server, such as cloud service, is not permitted. Storage of ~~electronic~~**digital** media must conform to the requirements in AG 8321.
2. Media Transport — ~~Electronic~~**Digital** and physical media shall be protected when being transported outside of a controlled area. Only authorized individuals shall transport the media. It shall be directly delivered to the intended person or destination and shall remain in the physical control and custody of the authorized individual at all times during transport. Access shall only be allowed to an authorized individual. To the extent possible, ~~electronic~~**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.



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

a. Electronic-Digital Media - Sanitization of the media and deletion of the data shall be accomplished by either overwriting at least three (3) times or by degaussing, prior to disposal or reuse of the media. If the media is inoperable or will not be reused, it shall be destroyed by shredding, cutting, or other suitable method to assure that any data will not be retrievable.

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

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



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4. Mobile Devices – A personally owned mobile device (mobile phone, tablet, laptop, etc.) shall not be authorized to access, process, store or transmit criminal justice information unless the District has established and documented the specific terms and conditions for personally owned mobile devices.

F. CHRI Background Check Consent and Documentation

All individuals requested to complete a fingerprint-based CHRI background check must have given written consent-properly signed and dated—at time of application and be notified fingerprints will be used to check the criminal history records of the FBI, prior to completing a fingerprint-based CHRI background check. The most current and unaltered Livescan form (RI-030) will satisfy this requirement and must be retained. Individuals subject to a fingerprint-based CHRI background check shall be provided the opportunity to complete or challenge the accuracy of the individual's criminal history record.

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

G. Controlled Area/Physical Protection

All CHRI obtained from the Michigan State Police pursuant to the statutorily required background checks shall be maintained in a **physically secure and** controlled area, which shall be a designated office, room, **or** ~~area or lockable storage container~~. The following security precautions will apply to the controlled area:

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



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3. Information systems devices (e.g., computer screens) and physical documents, when in use, shall be positioned to prevent unauthorized individuals from being able to access or view them.
4. Encryption shall be used for ~~electronic~~**digital** storage of criminal justice information. (See AG 8321)

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

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

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

<sup>2</sup>Applicable to districts that maintain CHRI within an ~~electronic~~ **digital** system of records, such as an ~~electronic~~ **digital** database, filing system, record keeping software, spreadsheets, etc. Not applicable if CHRI kept solely via e-mail and/or paper copies.



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I. Security Awareness Training

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

J. Secondary Dissemination of Information

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

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

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



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

**K. Auditing and Accountability Retention**

~~The District shall retain audit records (position description, consent, and CHRI for both applicants that are hired and those that are not) for at least 365 days. Audit records must continue to be maintained until it is determined they are no longer needed for administrative, legal, audit, or other operational purposes. This includes, for example, retention and availability of audit records subject to Freedom of Information Act (FOIA) requests, subpoena, litigation hold and law enforcement actions.~~

**The District's information system shall produce, at the application and/or operating system level, audit records containing sufficient information to establish what events occurred, the sources of the events, and the outcomes of the events. In the event the District does not use an automated system, manual recording of activities shall still take place.**

**The following events shall be logged:**

- 1. Successful and unsuccessful system log-on attempts.**
- 2. Successful and unsuccessful attempts to:**
  - a. access permission on a user account, file, directory or other system resource;**
  - b. create permission on a user account, file, directory or other system resource;**
  - c. write permission on a user account, file, directory or other system resource;**



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- d. delete permission on a user account, file, directory or other system resource;
  - e. change permission on a user account, file, directory or other system resource.
- 3. Successful and unsuccessful attempts to change account passwords.
  - 4. Successful and unsuccessful actions by privileged accounts.
  - 5. Successful and unsuccessful attempts for users to:
    - a. access the audit log file;
    - b. modify the audit log file;
    - c. destroy the audit log file.

The following content shall be included with every audited event: 1) date and time of the event; 2) the component of the information system (e.g., software component, hardware component) where the event occurred; 3) type of event; 4) user identity; and 5) outcome (success or failure) of the event.

**Audit Monitoring, Analysis and Reporting** - The District shall designate an individual or position to review/analyze information system audit records for indications of inappropriate or unusual activity, to investigate suspicious activity or suspected violations, to report findings to appropriate officials, and to take necessary actions. Audit review/analysis shall be conducted at a minimum once a week, and should be increased if volume indicates an elevated need for audit review.



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**Time Stamps** - The District's information system shall provide time stamps for use in audit record generation. The time stamps shall include the date and time values generated by the internal system clocks in the audit records.

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

**Audit Record Retention** - The District shall retain audit records for at least one (1) year. Once the minimum retention time period has passed, the District may continue to retain audit records until it is determined they are no longer needed for administrative, legal, audit, or other operational purposes.

Ref: Criminal Justice Information Services - Security Policy (Version 5.25, 20136),  
U.S. Dept. of Justice and Federal Bureau of Investigation  
Noncriminal Justice Agency Compliance Audit Review, Michigan State  
Police, Criminal Justice Information Center, Audit and Training Section  
Conducting Criminal Background Checks, Michigan State Police, Criminal  
Justice Information Center

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**REVISED POLICY - VOL. 31, NO. 1**

**RELATIONS WITH SPECIAL INTEREST GROUPS**

Any request from civic institutions, charitable organizations, or special interest groups which involve such activities as patriotic functions, contests, exhibits, sales of products to and by students, sending promotional materials home with students, graduation prizes, fund raising, and free teaching materials must be carefully reviewed to ensure that such activities promote student interests without advancing the special interests of any particular group.

It is the policy of the Board of Education that students, staff members, and District facilities not be used for advertising or promoting the interests of any nonschool agency or organization, public or private, without the approval of the Board or its delegated representative; and any such approval, granted for whatever cause or group, shall not be construed as an endorsement of said cause or group by this Board.

**A. Political Interests**

All materials or activities proposed by outside political sources for student or staff use or participation shall be reviewed by the

☐ Board of Education

☐ Superintendent

☒ principal

on the basis of their

☐ educational contribution to part or all of the school program,

☒ benefit to students,

and no such approval shall have the primary purpose of advancing the name, product, or special interest of the proposing group.



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The Board shall not permit the use of any type of educational material, program, or equipment in its curricular, co-curricular, or extra-curricular activities or at any time during the school day if such materials, programs, or equipment contain partisan political messages or are designed to persuade students or staff members to acquire a particular product or service offered by a named individual, company, organization, association, or agency. Professional staff may, however, utilize political materials or those provided by special interest-groups in adopted courses of study with the approval of the principal.

School facilities or equipment may not be used as a means of producing or disseminating to the community any materials that advertise or promote a political party, a political cause, or the candidacy of an individual for public office. Students and employees of the Board shall not be used to distribute campaign literature within the schools or on school grounds.



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**B. Contests/Exhibits**

The Board recognizes that contests, exhibits, and the like may benefit individual students or the District as a whole, but participation in such special activities may not:

- ☒ have the primary effect of advancing a special product, group, or company;
- ☐ make unreasonable demands upon the time and energies of staff or students or upon the resources of the District;
- ☐ interrupt the regular school program;
- ☐ involve any direct cost to the District;
- ☐ unless the student body as a whole derives benefit from such activities;
- ☒ cause the participants to leave the School District, unless:
  - ☐ the Board's Policy 2340 - Field and Other District-Sponsored Trips has been complied with in all aspects;
  - ☐ the Board has granted special permission;
- ☒ the parents of a minor student have granted their permission.



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**C. Distribution/Posting of Literature**

[ ] No outside organization or staff member or student representing an outside organization may distribute or post literature on that organization's behalf on District property either during or after school hours

( ) without the permission and prior review of the

( ) Superintendent.

( ) principal.

( ) Board.

The Superintendent shall establish administrative guidelines which ensure that:

~~X~~ criteria established in Policy 5722 - Student Publications and Productions - are used to make a decision regarding materials that students seek to post or distribute;

( ) distribution or posting of materials employees wish to distribute on behalf of an employee organization comply with the terms of negotiated, collectively-bargained agreements;

~~X~~ the school mail system is not used by students or staff for distribution of nonschool-related materials;

~~X~~ no materials from any profit-making organization are distributed for students to take home to their parents;

~~X~~ unless authorized by the Superintendent;

( ) the time, place, and manner of distribution of all nonschool-related materials is clearly established and communicated;



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- ( ) flyers and notices from outside non-profit organizations may be made available for students to pick-up at the literature distribution rack/table by the school building's office, under the following circumstances:
  - ( ) the flyer/notice publicizes a specific community activity or event that is age-appropriate for the students that attend the school;
  - ( ) the organization submits the number of copies of the flyer that it wants placed in the literature distribution rack/table;

No student shall be required to take any of the flyers/notices placed in the literature/distribution rack/table, and the rack/table shall contain a clear notice that the Board does not support or endorse any of the organizations and/or activities/events identified in the flyers/notices.

**D. Solicitation of Funds**

**Option #1**

Because the District cannot accommodate every organization that desires to solicit funds for worthy purposes, the Board shall not permit any organization not related to the District to solicit funds on District property.

**Option #2**

Any outside organization or staff member representing an outside organization desiring to solicit funds on school property must receive permission to do so from the

- ( ) Board.
- ☒ Superintendent.

**[END OF OPTIONS]**



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Permission to solicit funds will be granted only to those organizations, ~~or~~ individuals, **or staff members** who meet the permission criteria established in the District's administrative guidelines. Solicitation must take place at such times and places and in such a manner as specified in the administrative guidelines. In accordance with Board Policy 5830, no District student may participate in the solicitation without the Superintendent's approval.

☒ The Board disclaims all responsibility for the protection of, or accounting for, such funds.

☒ Solicited funds are not to be deposited in any regular or special accounts of the District.

☐ A copy of this policy as well as the relevant administrative guidelines shall be given to any individual granted permission to solicit funds on District property.

☒ This policy does not apply to the raising of funds for District-sponsored or school-sponsored activities.

☒ **Use of the name, logo, or any assets of the District, including, but not limited to facilities, technology, or communication networks, is prohibited without the specific permission of the**

☐ **Board.**

☒ **Superintendent.**



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**[ ] [OPTION #1]**

**The Board of Education does not permit or sanction the use of crowdfunding for District or specific school programs or activities, including co-curricular or extracurricular activities.**

**[END OF OPTION #1]**

**OR**



**[OPTION #2]**

**Crowdfunding activities aimed at raising funds for a specific classroom or school activity, including extracurricular activity, or to obtain supplemental resources (e.g., supplies or equipment) that are not required to provide a free appropriate public education to any students in the classroom may be permitted, but only with the specific approval**



**of the Superintendent.**

**OR**

**( ) of the Board upon the recommendation of the Superintendent.**

**All crowdfunding activities are subject to the procedures/guidelines in AG 6605.**

**[END OF OPTION #2]**



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**E. Prizes/Scholarships**

The Board is appreciative of the generosity of organizations which offer scholarships or prizes to deserving students in this District. But, in accepting the offer of such scholarships or prizes, the Board directs that these guidelines be observed:



No information



either academic or personal

shall be released from the student's record for the purpose of selecting a scholarship or prize winner without the permission of the student who is eighteen (18), or the parents of a student who is younger in accordance with the Board's policy on student records.



The type of scholarship or prize, the criteria for selection of the winner, and any restrictions upon it shall be approved by the

( ) Board of Education.

( ) Superintendent.



principal.

( ) The principal, together with a committee of staff members designated by the principal, shall be involved in the selection of the recipient.

( ) and, if agreeable to the sponsoring organization, the selection shall be left entirely to the principal and staff committee.





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**F. Sale of School Supplies**

In determining the appropriateness of the sale of school supplies by organizations other than the School District, the Board requires that:

☒

the organization have a purpose which will benefit the School District and its students;

☒

the organization's planned activities are clearly in the best interest of the School District and its students;

☐

the organization has submitted the following information and assurances on the form provided by the District: a statement noting the purpose of the organization, financial accountability assurances, and use of facility assurances.

All funds generated by the sale of such school supplies shall be kept separate from other activity funds or other transactions of the Board.



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**G. Surveys and Questionnaires**

Neither District-related nor nondistrict-related organizations shall be allowed to administer a survey or questionnaire to students or staff unless the instrument and the proposed plan is submitted, in advance, to the Superintendent. If approved, a copy of the results and the proposed manner of their communication are to be provided to him/her for review and approval before they are released.

Students shall not be required to complete surveys to provide marketing information to vendors, or distribute to vendors any personal information of students, including but not limited to names, addresses, and telephone numbers, except as may be required by law. In addition, the District shall not enter into any contract for products or services, including electronic media services, where personal information will be collected from the students by the providers of the services.

See also Policy 2416 and AG 2416