

**POLICY:** 3.0 Global Superintendent Constraints  
**POLICY CATEGORY:** SUPERINTENDENT LIMITATIONS  
**PERIOD MONITORED:** October 21, 2009 – June 11, 2010  
**BOARD MEETING DATE:** June 14, 2010

This is my monitoring report on the Board of Education's Executive Limitation policy "Global Superintendent Constraints." I certify that the information contained in this report is true and complete, and presented in accordance with the routine monitoring report schedule. This report will monitor the policy starting at its more detailed prohibitions and end with the global prohibition.

Michael F. Paskewicz  
Superintendent  
June 14, 2010

### **3.0 POLICY LANGUAGE**

The Superintendent of the Northview Public Schools shall not cause or allow any practice, activity, decision or circumstance, which is either imprudent, unethical, or illegal, or in violation of governmental regulations or of commonly accepted personal, business and professional ethics and practices.

#### **INTERPRETATION:**

I interpret *imprudent, unethical, or illegal* to mean:

Any situation which violates Superintendent Limitations, any ongoing violation of a NEOLA Policy, or any failure to adopt any policy required by law or governmental regulation. Compliance, or the absence of imprudent, unethical, or illegal action, is characterized by:

##### Standard 1.

Adoption and dissemination to the appropriate staff members of 100% of those policies required by law and governmental regulation, as determined through NEOLA representatives two times per year.

##### Standard 2.

Compliance with Superintendent Limitations 3.1 through 3.7 in the most recent monitoring reports submitted to the Board of Education for each Limitation during the monitoring period.

This interpretation is reasonable because I have determined that policies subsequent to the global Superintendent Constraints 3.0. further define the range of actions which are imprudent and unacceptable. The interpretation uses the most recent monitoring reports submitted concerning Superintendent Limitations 3.1 through 3.7 as the basis for evaluating compliance because more than one monitoring report may be submitted on these limitations during the monitoring period, and some noncompliant items may have been corrected by the conclusion of the monitoring period. Finally, the interpretation is reasonable because the failure to adopt legally required policies, as well as ongoing noncompliance with NEOLA Policies, places the District in greater risk of being found to have acted unlawfully, contrary to governmental regulations, and contrary to commonly accepted business and professional ethics and practices.

## **DATA REPORTED:**

### Standard 1.

All NEOLA policies recommended to and approved by the Board of Education have been disseminated to appropriate staff.

### Standard 2.

Monitoring Reports for Superintendent Limitations 3.1 through 3.7 submitted during the monitoring period reported “met expectations” except for those items of “did not meet expectations” noted below:

- 3.5.1 #4 – compliance expected in October 2010 (Newsletters)
- 3.1.2 #1 and #3 – compliance expected May 2011 (Handbooks)

## **CONCLUSION STATEMENT:**

The organization met expectations except for Policies 3.5.1 (#4) and 3.1.2 (#1 and #3)

## **INTERPRETATION:**

I interpret *in violation of governmental regulations* to mean:

Any practice, activity, decision, or organizational circumstance (hereafter, “unlawful situations”) which is determined to be contrary to applicable law by an agency of the State of Michigan or the United States, or by a court of law. Other unlawful situations are those about which the Superintendent or legal counsel from Clark Hill (Barb Ruga) knows or should have known and which are likely to be found contrary to clearly established law applicable in the State of Michigan, including but not limited to the delegation of legal responsibilities from the Board of Education to the Superintendent in a manner contrary to law.

Compliance is interpreted as:

### Standard 1.

The absence of any decision or judgment by final agency action, or by an appellate court with final appellate authority for the issue presented, concluding that the District or one of its employees or agents, acting within the scope of his/her duties to the District, acted or failed to act in a manner which is contrary to law.

Decisions in which the District is held liable by a court or agency decision because of the negligence or error of a District employee, including but not limited to workers’ compensation claims, bus accidents, or other matters which have not been caused or allowed by the Superintendent, shall not be relevant data in monitoring compliance

except in those cases in which the injury resulted from inadequate training, systems, or procedures within the reasonable control of the Superintendent.

Standard 2.

Certification by the District's Superintendent and legal counsel from Clark Hill (Barb Ruga), following reasonable inquiry and due diligence, that they are unaware of any ongoing violation of any clearly established law applicable in the State of Michigan by the District or by any District employee or agent acting within the scope of his/her duties to the District.

This interpretation is reasonable because the courts and administrative agencies are the ultimate arbiters of the lawfulness of District action, and because legal standards require that in most circumstances a school district corrects violations of law which it knows exist, or which, through the exercise of reasonable care, it should have known exists.

### **DATA REPORTED:**

Standard 1.

There were no court or final agency decisions during the monitoring period finding that the District or its employees have acted contrary to law.

Standard 2.

The Superintendent and legal counsel have certified that they have engaged in reasonable inquiry and due diligence and that they are not aware of any other ongoing violations of any clearly established law applicable in the State of Michigan by the District or by any District employee or agent acting within the scope of his/her duties to the District.

### **CONCLUSION STATEMENT:**

The organization met expectations.

### **INTERPRETATION:**

I interpret *in violation of commonly accepted personal, business and professional ethics and practices* to mean:

- 1) Superintendent Limitations 3.1 through 3.7 as established by the Board of Education.
- 2) NEOLA Policy on conduct standards that address the following topics:
  - Ethics, conflicts of interest, and nepotism policies which include substantive standards commonly found in policies/procedures adopted by other Michigan/NEOLA school districts.

- Bidding/procurement procedures which include substantive standards commonly found in policies/procedures adopted by other Michigan school districts.
- Internal controls for processing financial transactions which include substantive standards that reflect sound accounting practices as determined by the District's independent auditors.

Compliance is interpreted as:

Standard 1.

Compliance with Superintendent Limitations 3.1 through 3.7.

Standard 2.

Adoption of NEOLA Policies and/or internal procedures concerning conflicts of interest, nepotism, bidding/procurement procedures, and internal controls for financial transactions which include the substantive standards described above.

Standard 3.

Dissemination of the policies/procedures and training of appropriate administrative and supervisory staff concerning these requirements.

Standard 4.

Annual audits to determine compliance/noncompliance with these policies/procedures.

**DATA REPORTED:**

Standard 1.

Monitoring Reports for Superintendent Limitations 3.1 through 3.7 submitted during the monitoring period reported "met expectations" except for those items of "did not meet expectations" noted below:

- 3.5.1 #4 – compliance expected in October 2010 (Newsletters)
- 3.1.2 #1 and #3 – compliance expected May 2011 (Handbooks)

Standard 2.

All NEOLA Policies have been reviewed twice and the Board has adopted the recommended policies.

Standard 3.

All policies have been disseminated to the appropriate staff.

Standard 4.

The annual audit did not find any noncompliance issues.

**CONCLUSION STATEMENT:**

The organization met expectations except for Policies 3.5.1 (#4) and 3.1.2 (#1 and #3).

**APPROVED: June 14, 2010**