

INTERNAL MONITORING REPORT

June 11, 2018

Policy:	3.0 Global Superintendent Constraints
Policy Category:	Superintendent Limitations
Period Monitored:	June 12, 2017 – June 11, 2018

This is my monitoring report on the Board of Education's Executive Limitation policy "Global 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.

Note: See Attached Data – 2016-2017 Monitoring Report "Non-Compliance" List for 3.0 and 4.0 Policies.



Scott Korpak
Superintendent

June 11, 2018

POLICY LANGUAGE 3.0 Global

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 Northview's NEOLA representative, Mr. Kevin Konarska. Mr. Konarska provides updates at least two (2) 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.

The district has met, or is meeting, Executive Limitations 3.1 – 3.7.

Conclusion Statement:

The organization met expectations except for those noted.

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, Kara Rozin and Marshall Grate) 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, Kara Rozin and Marshall Grate), 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 existed.

Data Reported:

Standard 1.

The Michigan Office of Civil Rights dismissed the claim filed by a family claiming bias due to race by Northview Public Schools. One other complaint is still outstanding that was submitted more than 18 months ago to the Federal Office of Civil Rights. Under the direction of Clark Hill PLC, we are not contacting the Federal Office of Civil rights to ask for a status update.

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:

- a. Ethics, conflicts of interest, and nepotism policies which include substantive standards commonly found in policies/procedures adopted by other Michigan/NEOLA school districts.
- b. Bidding/procurement procedures which include substantive standards commonly found in policies/procedures adopted by other Michigan school districts.
- c. Expected professional and ethical conduct of all assessment programs. This includes, but is not limited to, M-STEP, Mi-ACCESS, ELPA, PSAT, SAT, DRA, Fountas and Pinell, STAR Reader GoMath! and Delta Math.

Compliance is interpreted as:

Standard 1.

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 2.

Dissemination and implementation of the policies/procedures and training of appropriate administrative, supervisory and teaching staff involved in meeting these requirements.

Data Reported:

Standard 1.

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

Standard 2.

All policies and rules were disseminated to the appropriate staff.

Conclusion Statement:

The organization met expectations.