

Notice Regarding Legal Accuracy

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

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


LEGAL ALERT

Included with this update are legal alerts printed on green paper. These legal alerts include:

- A. Recent Legislative Changes and Legal Issues
- B. FMLA Guidance Released by the Department of Labor (DOL)
- C. FLSA - DOL Proposes Changes to the Minimum Salary Threshold for Overtime Exemption
- D. Employee Wellness Programs
- E. Standards of Evidence

BYLAWS AND POLICIES

Policy 1420 - School Administrator Evaluation (Revised)



Revisions to this policy (and Policy 3220) reflect S.B 122 and S.B. 202 annual year-end evaluations for teachers and school and district administrators who are regularly involved in instructional matters.

These revisions reflect current law and should be adopted in order to maintain accurate policies.

Policy 2265 - Child Care Center Staff and Volunteers (New)

This new policy is provided to comply with a change to the Child Care Organizations Act requiring more intensive background checks for anyone who works in a qualifying program, including volunteers if they have unsupervised contact with kids. The Act requires districts to have a policy regarding volunteer supervision. Although a policy is not required on background checks, the district is required to do them.

This new policy reflects current law and should be adopted in order to maintain accurate policies.

Policy 2450 - Community and Adult Education (Revised)

The addition to this policy is provided for districts that offer adult education/job training programs that are eligible for tuition funds paid by the U.S. Department of Veterans Affairs and enforced at Institutions of Higher Learning, Non-College Degree Programs, and Flight Schools. The recently enacted Veterans Benefits and Transition Act of 2018 requires Michigan's State Approving Agency (SAA) to disapprove all courses at educational institutions that have a policy inconsistent with the following criteria for recipients of Chapter 31 and Chapter 33 of the G.I. Bill.

This revision reflects the current Federal law and should be adopted if the district provides such adult education/job training programs.

Policy 2628 - State Aid Incentives (Revised)

The revision to this policy reflects the current "At-Risk" characteristics specified in Section 31a(20) of the Michigan School Aid Act.

This revision reflects the current state of the law and should be adopted to maintain accurate policies.

Policy 3210 - Staff Ethics (Revised)

This policy has been revised to include the provisions of the recently approved (May 2019) Michigan Code of Educational Ethics (Code). The Code is adapted from the Model Code of Ethics for Educators (MCEE), adopted by the National Association of State Directors of Teacher Education and Certification Board of Directors.

Revisions to this policy are recommended for adoption.

Policy 3220 - Professional Staff Evaluation (Revised)

Revisions to this policy (and Policy 1420) reflect S.B 122 and S.B. 202 annual year-end evaluations for teachers and school and district administrators who are regularly involved in instructional matters.

These revisions reflect current law and should be adopted in order to maintain accurate policies.

Policy 5230 - Late Arrival and Early Dismissal (Revised)

This revision provides an option for the District to require photo identification when releasing a student to a non-parent/guardian.

This option is recommended, but not required.

Policy 5330.02 - Opioid Antagonists (Revised)

This policy has been revised to reflect the changes of Public Act 38 and Public Act 39 resulting in the creation of the new Administration of Opioid Antagonist Act (AOAA). The Act is effective as of September 24, 2019.

These revisions reflect the current state of the law and should be adopted to maintain accurate policies.

Policy 6800 - System of Accounting (Revised)

This policy has been revised to reflect the reporting requirements of the Governmental Accounting Standards Board, Statement No. 84 (GASB 84) regarding student and school-related activity funds.

This revision reflects the requirements in the Michigan Public Schools Accounting Manual and should be adopted.

Policy 7300 - Disposition of Real Property (Revised)

This policy has been revised to specifically list certain options that are available to districts regarding disposition of real property.

Revisions to this policy are recommended, although not required.

Policy 7440.03 - Small Unmanned Aircraft Systems (New)

Neola first issued guidance on drones in August 2015, providing a sample resolution for districts to prohibit the operation of small unmanned aircraft systems on school property, to be in compliance with MHSAA bylaws. Such aircraft systems are regulated by the Federal Aviation Administration (FAA), with rulemaking by that agency in the early stages at that time. However, rulemaking has become somewhat settled with the issuance of SMALL UNMANNED AIRCRAFT RULE (PART 107). This new policy and administrative guideline reflect the provisions of that rule (Part 107) and the prohibition advanced by the MHSAA.

This policy and guideline are recommended.

Policy 8400 - School Safety Information (Reissued)

This policy and corresponding AG are being reissued as a part of this update. When revised in January 2015, the optional language was offered dealing with Threat Assessment procedures and considerations. Very few clients selected the Threat Assessment language at that time. However, given the current focus on such precautions, the template is being reissued (with no further revision) for consideration.

This policy and guideline are recommended.

Policy 8462 - Student Abuse and Neglect (Revised)

This policy has been revised to include all "mandatory reporters" as specified by Michigan statute. Given recent additions to the list of individuals required to report suspicion of child abuse, the term "professional staff" was not sufficiently inclusive.

The revised policy reflects the current state of law and should be adopted to maintain accurate policies.

ADMINISTRATIVE GUIDELINES

AG 2240B - Alternative Learning Activities for Opt-Out Students (Revised)

Language has been added to this guideline to provide an alternative for a student who objects to dissection activities, in accordance with Michigan State Board of Education policy.

This guideline should be approved and implemented.