

Book	Policy Manual
Section	Vol. 39, No. 2 - February 2025
Title	Vol. 39, No. 2 - February 2025 OVERVIEW
Code	01 - OVERVIEW
Status	From Neola



POLICY UPDATE SERVICE
 PROVIDED BY NEOLA, INC.

MI LOCAL UPDATE OVERVIEW AND COMMENTS

VOLUME 39 NUMBER 2

FEBRUARY 2025

MASB Policy Services Provided by Neola

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

Policy Development and Updating

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

OVERVIEW AND COMMENTS

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

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

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

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

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

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

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

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

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

Processing Update Materials

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

District-Specific Material

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

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

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

FY 2024-25 Thresholds for Competitive Bids, Value of Awards, and Gifts

The Michigan Department of Education ("MDE") provides updated information on statutory requirements that determine thresholds for competitive bids and value of awards and gifts. The fiscal year 2024-25 base for M.C.L. 380.623a, M.C.L. 380.1267, and M.C.L. 380.1274 is \$30,512 (pertaining to school building construction, addition, renovation, or repair and procurement of supplies, materials, and equipment). There are changes to the limits on the value of awards given by an ISD to an employee, volunteer, or pupil, as well as the value above which an ISD administrator may not accept a gift from a vendor or potential vendor. The fiscal year 2024-25 upper limit (M.C.L. 380.634) for awards is \$175 and the cap for gifts is \$76.

Notice Regarding Legal Accuracy

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

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

REMINDERS

- A. The Minimum Wage in Michigan for the entire State of Michigan is expected to increase twice in 2025. Starting January 1, 2025, the minimum wage is at \$10.56 per hour and after February 21, 2025, an additional increase will be made, setting the rate at \$12.48 per hour.
- B. The Internal Revenue Service ("IRS") issued Notice 2024-312 (December 19, 2024) which provides the 2025 mileage rate at seventy cents (\$0.70) per mile for business travel (three cents (\$0.03) more than the rate for 2024).
- C. The U.S. Department of Labor maintains regulatory authority over state and local government employers, including public school districts. Note that the following Federal laws have poster requirements which apply to school districts (no Federal or Federally-

assisted contracts or subcontracts):

1. The Equal Employment Opportunity Commission ("EEOC")
2. The Employee Polygraph Protection Act ("EPPA")
3. Employee Rights under the Fair Labor Standards Act ("FLSA/ Minimum Wage")
4. Employee Rights and Responsibilities under the Family and Medical Leave Act ("FMLA")
5. Uniformed Services Employment and Reemployment Rights Act ("USERRA")
6. Job Safety and Health: It's the Law ("Occupational Safety and Health Act/OSHA")
7. Whistleblower Protections

In addition, certain organizations may be required to display posters that can only be obtained from DOL's Office of Workers' Compensation Programs ("OWCP"). More information on these posters is available. Links to all Federal employment posters are always available on the Poster Page as are answers to frequently asked questions. Note that school districts with Federal or Federally-assisted contracts or subcontracts may have additional requirements.

LEGAL ALERTS

Included with this update are six (6) legal alerts. These include:

03 - Legal Alert - Michigan's Filter First Legislation

04 - Legal Alert - Michigan's Sick Leave Law Changes

05 - Legal Alert - Michigan Employees' Affirmative Obligation to Provide Notice of Certain Criminal Charges to Employing District, M.C.L. 380.1230d

06 - Legal Alert - Michigan's New In-School Protections for Indigenous Individuals – Compliance Timeline and Guidance

07 - Legal Alert - Michigan's New Computer Science Course Requirement – Compliance Timeline and Guidance

08 - Legal Alert - Changes to Advertising Requirements for Michigan's Academies

BYLAWS AND POLICIES

Bylaw 0131.1 - Bylaws and Policies (Revised)

This bylaw has been revised to streamline the process for review and adoption of policy and of making technical corrections to policies and bylaws. The bylaw provides options for defining technical corrections and authorizes the Superintendent to make such corrections and provide a summary of the corrections to the Board for review.

This revised bylaw should be adopted if the Board wishes to streamline the policy adoption process and/or technical corrections process.

Policy 1430/3430/4430 - Leaves of Absence (Revised)

These policies have been adopted to include the provisions of the Earned Sick Time Act ("ESTA"), effective February 21, 2025, or at the expiration of the district's collective bargaining agreement ("CBA") covering such benefits.

Policy 2340 - Field and Other District-Sponsored Trips (Revised)

This policy has been adopted to update language overall and to include transportation options and provisions (found in Policy 8640).

Policy 5320 - Immunization (Revised)

This policy has been revised to reflect the immunization requirements in the Michigan Department of Education's ("MDE") "2024 Immunization Requirements for Students Entering Kindergarten and 7th Grade or Enrolling in a New School District in Grades 1-12". See also AG 5320 in this update.

These revisions should be adopted in order to comply with MDE's immunization requirements.

Policy 5330 - Use of Medications (Revised)

This policy was reviewed at the request of clients and updated to include additional definitions and further clarity to processes for the storage and administration of prescription and over-the-counter medications.

These suggested revisions should be considered for adoption.

Policy 5330.01 - Epinephrine Auto-Injectors (Revised)

This policy was revised at the request of clients, adding the immunity provisions set forth in applicable State law.

Policy 5350 - Student Health, Well-Being, and Suicide Prevention (Revised)

This policy is revised to include comprehensive mental health and wellness initiatives that promote the emotional and physical safety of students and staff.

Revisions to this policy should be considered for adoption.

Policy 5460 - Graduation Requirements (Revised)

This policy has been revised at the request of clients to provide an option regarding Universal FAFSA provisions that are required of districts participating in the MiLEAP 2024-2025 Universal FAFSA Challenge. This provision is not currently required by law, but is necessary to secure funding offered as a part of the Challenge.

This revision should be adopted by a district participating in the Universal FAFSA Challenge.

Policy 8320 - Personnel Files (Revised)

This policy is revised to reflect the recent changes to the Public Employment Relations Act ("PERA") due to P.A. 236 (2023).

This revision reflects the provisions of law and should be adopted.

Policy 8500 - Food Services (Revised)

This policy has been revised to include additional language and options regarding "bad debt" and dietary modifications at the request of clients due to audits.

These revisions should be considered for adoption.

Policy 8510 - Wellness (Revised)

This policy has been revised to include U.S. Department of Agriculture ("USDA") requirement to include the overall nondiscrimination language and to add other USDA guidance regarding wellness options throughout district operations.

Policy 8640 - Transportation for Field and Other District-Sponsored Trips (Rescind)

This policy is recommended for deletion, as the provisions for transportation have been included in Policy 2340 - Field and Other District-Sponsored Trips.

ADMINISTRATIVE GUIDELINES

AG 5320 - Immunization of Students in School (Revised)

See note on Policy 5320.

AG 5350 - Suicide Intervention Process (Revised)

See note on Policy 5350.

AG 5360 - Recess Guideline for Harsh Weather (Revised)

This guideline was revised at the request of clients to include Heat Index information from NWA.

COMMENTS

Reviewing Board Minutes

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

Book Policy Manual
 Section Vol. 39, No. 2 - February 2025
 Title Vol. 39, No. 2 - February 2025 MI Policy Disposition Sheet
 Code 02 - Policy Disposition Sheet
 Status From Neola

DISPOSITION OF NEW/REVISED/REPLACEMENT POLICIES FOR BOARD ADOPTION

Vol. 39, No. 2 - February 2025

Coding for District-Specific Edits

*1 = drafted by District staff

*2 = if the material was a work for hire, that is, material the District paid someone else to develop but from whom the District purchased the rights to publish

*3 = if the material is copyrighted to someone else from whom the District has secured permission to publish the material (No code is needed for accepting Neola's vetted material)

Policy Number	Date Adopted	District-Specific Edits (1, 2, or 3)	Date Tabled	Date Rejected
po0131.1				
po1430				
po2340				
po3430				
po4430				
po5320				
po5330				
po5330.01				
po5350				
po5460				
po8320				
po8500				
po8510				
po8640 Rescind				

Book	Policy Manual
Section	Vol. 39, No. 2 - February 2025
Title	Vol. 39, No. 2 - February 2025 - Michigan's Filter First Legislation
Code	03 - Legal Alert
Status	From Neola

LEGAL ALERT

To: Neola Clients

From: Varnum LLP, Attorneys At Law

Re: Michigan's Filter First Legislation – Compliance Timeline and Guidance

Date: December 2, 2024

In January 2023, Michigan enacted the Clean Drinking Water Access Act (2023 PA 154), alongside amendments to existing statutes, creating the comprehensive Filter First legislation. This initiative establishes requirements to ensure the safety of drinking water in schools by mandating the implementation of a Drinking Water Management Plan ("DWMP") and use of filtered water at all consumptive fixtures.

To aid schools in achieving compliance, the Michigan Department of Environment, Great Lakes, and Energy (EGLE) provides the following resources:

- DWMP template.
- Supplemental tracking forms to monitor compliance.
- Detailed guidance documents, available at Michigan.gov/FilterFirst.

Key Compliance Requirements and Timelines

A. DWMP

- Schools are required to complete and submit a DWMP by January 24, 2025. Even though Districts may not have certain details to include, such as the make and model of filters or specific maintenance schedules, this information can be added later once the filters are selected and installed.
- The DWMP outlines a school's approach to identifying and mitigating risks of lead exposure in drinking water. Templates and instructions are available through EGLE's Filter First portal.

2. Filtered Water Installation

By the end of the 2025-2026 school year, all drinking water fixtures in schools must be equipped with approved filters designed to reduce lead levels.

3. Ongoing Sampling and Certification

- Schools must begin sampling their drinking water after filter installation is complete.
- To ensure ongoing compliance, schools must conduct annual water sampling and certify that their drinking water meets the standards set under the Filter First legislation.

Next Steps for Districts

Districts should prioritize developing their DWMPs and allocate resources to install and maintain the required water filtration systems. Establishing clear procedures for annual sampling and documentation is essential to demonstrating compliance with the law.

Disclaimer: This Alert is provided for informational purposes only. It does not constitute legal advice and does not create an attorney-client relationship.

Book	Policy Manual
Section	Vol. 39, No. 2 - February 2025
Title	Vol. 39, No. 2 - February 2025 - Michigan's Sick Leave Law Changes
Code	04 - Legal Alert
Status	From Neola

LEGAL ALERT

To: Neola Clients

From: Varnum LLP, Attorneys At Law

Re: Michigan's Sick Leave Law Changes

Date: December 2, 2024

The Michigan Supreme Court's reinstatement of the Earned Sick Time Act ("ESTA"), effective February 21, 2025, brings changes to sick leave policies. School districts, including those with unionized employees, must prepare to ensure compliance with these new requirements. Importantly, any collective bargaining agreements ("CBAs") in effect before ESTA's implementation will remain valid, even if they do not conform to the law. However, new or renegotiated CBAs must comply with ESTA's minimum standards moving forward.

Key Provisions of ESTA

- A. Broad Employee Coverage: ESTA applies to all employees, including full-time, part-time, and seasonal workers, as well as unionized employees covered by CBAs.
- B. Accrual and Usage: Employees earn one (1) hour of sick leave for every thirty (30) hours worked, up to seventy-two (72) hours annually for districts with ten plus (10+) employees. Smaller districts must provide at least forty (40) paid hours and an additional thirty-two (32) unpaid hours. Unused sick leave rolls over year to year, but annual usage is capped.
- C. CBAs: Existing CBAs that do not meet ESTA requirements can remain in effect until they expire. New or renegotiated CBAs entered into on or after February 21, 2025 must comply with ESTA's provisions, including expanded leave entitlements and accrual rates.
- D. Expanded Leave Protections: Sick leave can be used for personal or family health needs, mental health, domestic violence recovery, or during public health emergencies.
- E. Documentation and Retaliation Protections: Employers may request documentation only for absences of four or more consecutive days and must cover the cost of obtaining such documentation. ESTA prohibits retaliation against employees who use their earned sick time and includes a presumption of retaliation for adverse actions taken within ninety (90) days of leave usage.

Next Steps for Districts

Districts should review and update CBAs as necessary when they are up for renegotiation. (Districts should consider adopting revised Policies 1430/3430/4430 - Leaves of Absence for non-unionized staff to align with ESTA requirements.) Finally, Districts have a duty to inform both union and non-union employees about their rights under ESTA.

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Book	Policy Manual
Section	Vol. 39, No. 2 - February 2025
Title	Vol. 39, No. 2 - February 2025 - Michigan Employees' Affirmative Obligation to Provide Notice of Certain Criminal Charges to Employing District, M.C.L. 380.1230d
Code	05 - Legal Alert
Status	From Neola

LEGAL ALERT

To: Neola Clients

From: Varnum LLP, Attorneys At Law

Re: Michigan Employees' Affirmative Obligation to Provide Notice of Certain Criminal Charges to Employing District, M.C.L. 380.1230d

Date: January 30, 2025

M.C.L. 380.1230d establishes requirements to ensure districts remain informed of certain criminal charges¹ against their employees and applicants by mandating that the employee or applicant disclose such information to the employing district. An individual's failure to report is a criminal offense.

Key Notification Requirements and Timelines

A. Criminal Charges. Employees and applicants are required to:

1. Report the criminal charge to the department and to the district;
2. Make the report on a form prescribed by the department;
3. Submit the report to the department and to the superintendent of the school district or intermediate school district or chief administrator of the public school academy or nonpublic school; and
4. Submit the report within three (3) business days after being arraigned for the crime.
5. If the employee is ultimately not convicted of the crime, the employee may request the district delete the report from its records.

B. Guilty and No Contest Pleas. Employees and applicants are required to:

1. Disclose to the court, on a form prescribed by the state court administrative office, that he or she is employed by or regularly continuously working under contract in a district;
2. Immediately provide a copy of the form to the prosecuting attorney in charge of the case; and

3. Immediately provide a copy of the form to the superintendent of the school district or intermediate school district or chief administrator of the public school academy or nonpublic school.

C. District Notification Requirement

1. Schools must report receipt of the report and action taken as a result within sixty (60) days of receiving the report.
2. To ensure ongoing compliance, schools must keep records of all reports received for at least six (6) years.

Next Steps for Districts

Districts should prioritize the review of employee handbooks to ensure inclusion of policy language so employees are aware of the mandatory reporting obligations in M.C.L. 380.1230d. Establishing clear procedures for employee notification and documentation is essential to ensuring districts receive notice.

¹This obligation applies to the following:

(a) Any felony.

(b) Any of the following misdemeanors: (i) Criminal sexual conduct in the fourth degree or an attempt to commit criminal sexual conduct in the fourth degree; (ii) Child abuse in the third or fourth degree or an attempt to commit child abuse in the third or fourth degree; (iii) A misdemeanor involving cruelty, torture, or indecent exposure involving a child; (iv) A misdemeanor violation of section 7410 of the public health code, 1978 PA 368, M.C.L. 333.7410; (v) A violation of section 115, 141a, 335a, or 359 of the Michigan penal code, 1931 PA 328, M.C.L. 750.115, 750.141a, 750.335a, and 750.359, or a misdemeanor violation of section 81, 81a, or 145d of the Michigan penal code, 1931 PA 328, M.C.L. 750.81, 750.81a, and 750.145d; (vi) A misdemeanor violation of section 701 of the Michigan liquor control code of 1998, 1998 PA 58, M.C.L. 436.1701; (vii) Any misdemeanor that is a listed offense.

(c) A violation of a substantially similar law of another state, of a political subdivision of this state or another state, or of the United States.

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Book	Policy Manual
Section	Vol. 39, No. 2 - February 2025
Title	Vol. 39, No. 2 - February 2025 - Michigan's New In-School Protections for Indigenous Individuals - Compliance Timeline and Guidance
Code	06 - Legal Alert
Status	From Neola

LEGAL ALERT

To: Neola Clients

From: Varnum LLP, Attorneys At Law

Re: Michigan's New In-School Protections for Indigenous Individuals – Compliance Timeline and Guidance

Date: February 3, 2025

Section 1300 requires that all Native American individuals be permitted to wear traditional regalia and bring traditional objects to ceremonies of honor. School districts must be compliant with Section 1300 beginning on April 2, 2025.

Key Definitions

“Ceremonies of honor”

formal and informal public occasions celebrating academic, athletic, and other student achievement including, but not limited to, graduation, commencement, convocation, and honor society events

“Traditional objects”

any cultural, religious, or ceremonial items or objects that hold tribal or ancestral meaning, significance, or importance for a Native American

“Traditional regalia”

any cultural, religious, or ceremonial clothing or wearable items representing a Native American’s tribal or ancestral traditions

Key Compliance Requirements and Timelines

Act Requirements

- A. The board of a school district or intermediate school district or board of directors of a public school academy shall ensure that a Native American individual is permitted to:

1. Wear traditional regalia.
 2. Bring traditional objects to ceremonies of honor.
- B. Exclusions from definitions of "traditional objects" and "traditional regalia"
1. "Tobacco product" which is defined as a preparation of tobacco to be inhaled, chewed, or placed in a person's mouth.
 2. "Dangerous weapon" which is defined as a firearm, dagger, dirk, stiletto, knife with a blade over three (3) inches in length, pocketknife opened by a mechanical device, iron bar, or brass knuckles.

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Book	Policy Manual
Section	Vol. 39, No. 2 - February 2025
Title	Vol. 39, No. 2 - February 2025 - Legal Alert: Michigan's New Computer Science Course Requirement - Compliance Timeline and Guidance
Code	07 - Legal Alert
Status	From Neola

LEGAL ALERT

To: Neola Clients

From: Varnum LLP, Attorneys At Law

Re: Michigan's New Computer Science Course Requirement – Compliance Timeline and Guidance

Date: February 3, 2025

PA 206 requires that all public high schools offer a computer science course to all students beginning with the 2027-2028 school year. Public high schools include public schools that offer at least one (1) of grades nine (9) to twelve (12). "Computer science" is defined in PA 206 as:

the study of computers and algorithmic processes including, but not limited to, their principles, hardware and software designs, implementation, and impact on society, and is a study that focuses on teaching students how to create new technologies and not solely the use of technology

Key Compliance Requirements and Timelines

Course Requirements

- A. The course must be listed as an option in the school's catalog of courses.
- B. The course must meet or exceed standards established by the State Board of Education.
- C. The school must make a good-faith effort to offer the course in an in-person setting, rather than virtual, unless the school operates entirely virtually.

Timeline

The computer science course must be offered beginning in the 2027-2028 school year.

Next Steps for Educational Agencies

Educational agencies should be ready to implement and offer the computer science course by the 2027-2028 school year. Establishing a point of contact to develop and oversee the implementation of the course is essential

to ensure the course is offered by the 2027-2028 school year. An update to applicable required curriculum policies is anticipated to be published as the 2027-2028 school year nears.

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Book	Policy Manual
Section	Vol. 39, No. 2 - February 2025
Title	Vol. 39, No. 2 - February 2025 - Changes to Advertising Requirements for Michigan's Academies
Code	08 - Legal Alert
Status	From Neola

LEGAL ALERT

To: Neola Clients

From: Varnum LLP, Attorneys At Law

Re: Changes to Advertising Requirements for Michigan's Academies

Date: February 5, 2024

The Michigan legislature recently signed into law several house bills that impact the State's academies.

HB 5231 (PA 210) – Public School Academies
HB 5232 (PA 211) – Schools of Excellence
HB5233 (PA 212) – Strict Discipline Academies
HB 5234 (PA 213) – Urban High School Academies

These house bills (enacted as Public Acts 210 to 213 of 2024) each amended the Revised School Code to add a requirement that the names of the authorizing body of an academy and, if applicable, its primary educational management organization, appear and be verbally provided in certain of its advertising efforts. According to the House Committee on Education report, "supporters of the bills argue that the posting and signage requirements would provide needed transparency for families considering enrollment in an academy, and for members of the community, so they can know who is responsible for the day-to-day operations of a particular academy."

Key Provisions

A. Advertising: The names of the authorizing body and the primary educational management organization, if applicable, must appear and be verbally provided on all of the following:

1. (i) Signage erected, repaired, or installed on or after April 2, 2025.¹
2. (ii) Promotional material created, modified, and/or distributed on or after April 2, 2025.
3. (iii) The footer of the academy's website pages.
4. (iv) The academy's school application for enrollment.

B. Contracts: These requirements must be included in contracts to organize and administer an academy, including a school of excellence, strict discipline academy, or urban high school academy, that are entered into, extended, renewed, or modified on or after April 2, 2025.

Key Definitions

A. **Primary educational management organization**

an **educational management organization** that is responsible for both administrative services or staff and educational and instructional services or staff

B. **Educational management organization**

a partnership, nonprofit or business corporation, or any other association, corporation, trust, or other legal entity that enters into an agreement with a PSA (including a school of excellence, strict discipline academy, or urban high school academy) to provide comprehensive educational, administrative, management, or instructional services or staff to that PSA

C. **Promotional material** is any of the following:

1. Billboards
2. Internet advertisements
3. Television advertisements
4. Radio advertisements

Next Steps for Academies

Academies should review and update advertising materials as necessary. These public acts will be effective April 2, 2025.

¹ This requirement does not apply to cyber schools. M.C.L. 380.553.

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Book	Policy Manual
Section	Pending Board Approval
Title	BYLAWS AND POLICIES
Code	po0131.1
Status	
Adopted	September 12, 2001
Last Revised	April 10, 2019

0131.1 - BYLAWS AND POLICIES

The Board of Education shall adopt bylaws and policies for the organization and operation of this Board and the District and shall be bound to follow such bylaws and policies.

Those bylaws and policies which are not required to have a public hearing dictated by the statutes or rules of the State Board of Education or ordered by the Superintendent of Public Instruction or a court of competent authority may be adopted, amended, or repealed by a majority vote of the Board at a regular or special meeting and repealed at any meeting of the Board,

~~(X) after completing two (2) readings at two (2) scheduled meetings, provided the proposed adoption, amendment, or repeal shall have been proposed at a previous Board meeting and, once proposed, shall have remained on the agenda of each succeeding Board meeting until approved or rejected. [END OF OPTION]~~

~~(X) except that the Board may vote to waive the two (2) reading requirement and then vote to adopt, amend, or repeal a bylaw or policy with one (1) reading, provided the amendment or adoption does not conflict with the law, upon a vote and where compelling reasons exist, cause to adopt, amend, or suspend bylaw or policy contained herein, provided the amendment, adoption, or suspension does not conflict with law. Any resolution adopting, amending, or suspending a bylaw or policy under this provision shall expire automatically at the next public meeting of the Board unless the Board moves to adopt the resolution in final form. [END OF OPTION]~~

~~Bylaws and policies may be suspended by shall be adopted, amended, repealed, or suspended by a majority vote of the Board. Any resolution suspending a bylaw or policy under this provision shall expire automatically at the next public meeting of the Board.~~

~~[X] Periodically, it may be deemed necessary to make technical corrections to policies that have already been adopted through normal procedures. These technical corrections may include statutory references, scrivener's errors, renumbering that does not change the order of the sections or subsections, grammatical corrections or additions including punctuation or typographical errors, as well as alterations and omissions not affecting the construction or meaning of any sections, subsections, chapters, titles, or policies as a whole and that are of a non-substantive nature. Technical corrections may also include the updating of the named individuals in these policies where the originally named individual no longer works for the District or no longer works in the applicable position. The Superintendent is authorized to identify and make technical corrections to the policies and regulations without Board approval. Upon completion of the technical corrections, the Superintendent shall provide a brief summary of the technical corrections to the Board for review. Should the Board determine that a technical correction is substantive in nature, it will utilize the normal policy adoption procedure to adopt the amendments to the policy or regulation. Should the Board choose to make such technical corrections, it may be accomplished by resolution without going through the normal policy adoption procedures. [END OF OPTION]~~

The adoption, modification, repeal, or suspension of a Board bylaw or policy shall be recorded in the minutes of the Board. All bylaws and policies shall be printed in the Board policy manual. Any policy or part of a policy that is superseded by a term in a negotiated agreement shall no longer be in force and effect as a policy.

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Legal M.C.L. 380.1201 et seq.

Book	Policy Manual
Section	Pending Board Approval
Title	INTERNATIONAL TRAVEL, OUT OF STATE AND OVERNIGHT FIELD TRIPS
Code	po2340
Status	
Adopted	September 12, 2001
Last Revised	May 31, 2023

2340 - ~~INTERNATIONAL TRAVEL, OUT OF STATE AND OVERNIGHT FIELD TRIPS~~ **FIELD AND OTHER DISTRICT-SPONSORED TRIPS**

The Board of Education recognizes the value of organized trips or other excursions away from the classroom as a valuable part of the District's educational programming and a valuable opportunity to obtain additional educational experiences not offered directly in the curriculum offerings. These opportunities occur in four (4) primary forms addressed in this policy: (a) field trips; (b) extra-curricular/co-curricular program-related trips; (c) overnight trips; and (d) other District-sponsored trips.

Field Trips

~~The Board of Education recognizes that field trips, when used for teaching and learning integral to the curriculum, are an educationally sound and important ingredient in the instructional program of the schools. Properly planned and executed field trips should:~~

- ~~A. supplement and enrich classroom procedures by providing learning experiences in an environment outside the schools;~~
- ~~B. arouse new interests among students;~~
- ~~C. help students relate school experiences to the reality of the world outside of school;~~
- ~~D. bring the resources of the community— natural, artistic, industrial, commercial, governmental, educational— within the student's learning experience;~~
- ~~E. afford students the opportunity to study real things and real processes in their actual environment.~~

For purposes of this policy, a field trip shall be defined as any planned journey by one (1) or more students away from building premises, which is under the supervision of a professional staff member, **approved by (X) the Superintendent or designee (-) the Board [END OF OPTIONS]** and furthers or supplements an integral part of a course of study **as planned for and incorporated into that course of study by the teacher.** ~~Excursions to District facilities for educational experiences are not considered field trips, e.g., nature center, pool, etc.~~

Properly planned and executed field trips should cultivate new interests among students, help students relate school experience to the reality of the world outside of school, bring the resources of the community within the student's learning experience, and afford students the opportunity to study real things and processes in their actual environment.

[X] Out-of-state field trips that do not include an overnight stay must be approved by **(X)** the Administration and **(X)** the Board **[END OF OPTIONS]. [END OF OPTIONAL PARAGRAPH]**

[-] Field trips to destinations more than _____ **[ENTER AMOUNT]** miles from the District must be approved by the **(-)** Superintendent **(-)** Board **[END OF OPTIONS]. [END OF OPTIONAL PARAGRAPH]**

Extra-Curricular/Co-Curricular Trips

The Board recognizes that student trips will occur for reasons that are not directly incorporated into the curriculum as part of a class, but rather are part of the extra-curricular/co-curricular activities offered by the District. For example, a District athletic team may travel to away games or take a trip to an out-of-town tournament. Any such trips must be identified at the beginning of the activity for the school year, or for the particular season. Extra-curricular or co-curricular trips shall be

approved by the (X) Administration and/or (X) Athletic Director (~~→~~Board [END OF OPTIONS] in accordance with the same procedures used for approving field trips. In cases where such advance notice is not possible (such as travel to State tournament competition), the staff member responsible for such activity shall notify the (X) Athletic Director and/or (X) Principal (~~→~~Superintendent (~~→~~Board [END OF OPTIONS] of the activity and pertinent information.

Extra-curricular trips that extend to an overnight stay are considered overnight travel, other than MHSAA athletic teams participating in State tournaments/meets.

Overnight Travel

Overnight travel is defined as a field trip that involves one (1) or more overnight stays. The District views overnight travel outside of the District related to the curriculum/program as an adjunct to that curriculum/program. As such, it is an important feature of the overall educational program. The District recognizes the importance of overnight travel outside of the District to amplify and enhance studies that occur in the schools' classrooms through unique enrichment opportunities that are not available locally. Overnight travel shall first be approved by the (X) Principal (X) Superintendent [END OF OPTIONS] in accordance with the District's overnight travel guidelines (X), and then must be submitted to the Board for final approval [END OF OPTION].

[X] International field trips present special considerations that need to be taken into account when planning these activities. The Board must approve these trips to be considered District-sponsored trips. The Board will only approve international field trips that are affiliated with a sponsoring or commercial organization that specializes in international travel (X) and that is responsible for establishing the cost of such programs and for collecting payment directly from participating students or their parents [END OF OPTION]. [END OF OPTIONAL PARAGRAPH]

[X] Approval of international travel shall also take into account travel warnings for Americans to avoid travel to specified countries. These warnings are issued by the United States Department of State based on current conditions around the world and are updated as deemed necessary. [END OF OPTION]

Other District-Sponsored Trips

Other ~~co-curricular and extra-curricular~~ District-sponsored trips shall be defined as any planned, student-travel activity which is approved as part of the District's total educational program, but not a part of a particular course and not expressly connected to an established extra-curricular/co-curricular activity. These trips may include such trips as summer trip programs, youth service trips, and other types of day trips that are organized by or through school staff or facilitated in some fashion through the District.

Trip Approval Process

No staff member may offer or lead any trip as a District-sponsored trip unless the trip has been approved in the manner prescribed in this policy.

Proposals shall include the details of the trip, the cost of the trip, identify any third-party entities that will be involved in the trip, identify the curriculum-based purpose of the trip, identify what students will be eligible to participate, and any other pertinent information. If overnight, the proposal must describe how accommodations will be provided and how such arrangements will be properly supervised.

~~[] Any trip included in curriculum guides shall be considered to have been approved in advance. All field trips not listed in the curriculum guide must each be approved. [END OF OPTION]~~

~~[] A list of field trips may be approved annually. Each proposed field trip not so listed must be separately approved. [END OF OPTION]~~

~~The Superintendent or designee shall approve all field trips. All out of state, overnight trips, and international travel require Board approval.~~

General Trip Provisions

The Superintendent shall approve all other such trips.

The Board does not endorse, support, or assume liability in any way for any staff member, volunteer, or parent of the District who takes students on trips not approved by the Board, Superintendent or designee. No staff member may solicit students of this District for such trips within the facilities or on the school grounds of the District without permission from the Superintendent or designee. Permission to solicit neither grants nor implies approval of the trip. Such approval must be obtained in accordance with the District's Administrative Guidelines for Field Trips.

The Superintendent shall prepare administrative guidelines for the operation of both field and other District-sponsored trips, including athletic trips, which shall ensure:

- A. ~~(→)~~ the safety and well-being of students;
- B. ~~(→)~~ parental permission is sought and obtained before any student leaves the District on a trip;

- C. ~~()~~ each trip is properly planned and, if a field trip, is integrated with the curriculum, evaluated, and followed up by appropriate activities which enhance its usefulness;
- D. ~~()~~ the effectiveness of field trip activities is judged in terms of demonstrated learning outcomes;
- E. ~~()~~ each trip is properly monitored;
- F. ~~()~~ student behavior while on all field trips complies with the Student Code of Conduct and on all other trips complies with an approved code of conduct for the trip;
- G. ~~()~~ the staff member in charge shall have access to each student's Emergency Medical Authorization Form; a copy of each student's Emergency Medical Authorization Form is in the possession of the staff member in charge.
- H. provisions have been made for the administration of medication to those students for whom medications are administered routinely while at school;
- I. provisions have been made at the trip destination and in transportation, if and when required to accommodate students and/or chaperones with disabilities;
- J. provisions for the selection of lodging (for overnight trips) that provides a safe and secure environment.

[X] A professional staff member shall not change a planned itinerary while the trip is in progress, except where the health, safety, or welfare of the students in the staff member's his/her charge is imperiled **(X)** or where changes or substitutions beyond the staff member's his/her control have frustrated the purpose of the trip **[END OF OPTION]**.

In any instance in which the itinerary of a trip is altered, the professional staff member in charge shall notify the administrative superior immediately.

Trips Not Sponsored by the District

No staff member, volunteer, coach, or other individual acting in some capacity for the District may solicit students of this District to participate in any trip not sponsored by the District unless that staff individual has received approval of the ~~()~~ Principal ~~(X)~~ Superintendent **[END OF OPTIONS]** to promote such trips within the facilities or on the school grounds. This includes summer trips abroad or other trips offered through a third-party organizer in which a staff member, volunteer, coach, or other individual acting in some capacity for the District is participating, as well as athletic activities outside the District's athletic program.

If approval is granted to solicit students to participate, that individual must clearly communicate to parents that the trip is not District-sponsored and that that individual is not participating within the staff individual's role representing the District. Coordination and/or participation in such a program shall be consistent with Policy 3210 - Staff Ethics/Policy 4210 - Support Staff Ethics.

Transportation for Field and Other District Sponsored Trips

~~It shall be the policy of the Board of Education to use regular or special purpose school vehicles for transportation on field and other District sponsored trips.~~

Regular or special-purpose school vehicles will be used for transportation on field and other District-sponsored trips.

The transportation for all field and other District-sponsored trips is to be by vehicles owned or approved by the District and driven by approved drivers. Exceptions must have the approval of the Superintendent or designee.

The District will provide for the vehicles for all other trips but a mileage charge will be assessed to cover the cost of the driver and fuel. This charge is to be paid by the sponsoring organization.

Transportation may be limited by the availability of vehicles, drivers, and scheduling and will not be available when needed for general school purposes.

All field trips shall be supervised by members of the staff. All other District-sponsored trips shall be supervised by either staff members or adults from the sponsoring organization. Any time students are in the vehicle, at least one (1) sponsor, chaperone, or staff member is expected to ride in the vehicle as well as to supervise students upon return to the District and while they are waiting for rides home.

All students are expected to ride the approved vehicle to and from each activity. A special request must be made to the staff member or sponsor by the parent, in writing or in person, to allow an exception.

District students not affiliated with the trip activity, nondistrict students, and/or children of preschool age shall not be permitted to ride on the trip vehicle without the approval of the principal.

When a district vehicle is not provided, a student, parent or staff member may be allowed to drive and transport students if written parental permission is provided for the student driver and student passenger(s) through completion of district form FT-004.

The Superintendent shall prepare administrative guidelines to ensure that all transportation is in compliance with Board policy on use of District vehicles and/or use of private vehicles.

Revised 8/27/08

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M.C.L. 380.1282

Book	Policy Manual
Section	Pending Board Approval
Title	IMMUNIZATION
Code	po5320
Status	
Adopted	September 12, 2001
Last Revised	September 13, 2017

5320 - IMMUNIZATION

Students must meet the immunization requirements set by the State for attendance at school in order to enroll or attend.

Students who do not meet the immunization requirements on the opening day of school shall be admitted by the Superintendent in accordance with District administrative procedures. Transfer students shall not be admitted without proof of immunization as required by the State.

There are three (3) circumstances in which a required vaccine may be waived or delayed:

- A. A valid medical contraindication exists to receiving the vaccine. The child's physician must certify the contraindication, the vaccines involved, and the time frame the student is not able to get the vaccines, on the appropriate form.
- B. The parents hold religious or philosophical beliefs against receiving a vaccination. Any parent/guardian/in loco parentis who wants to claim a nonmedical waiver will need to receive education regarding the benefits of vaccination and the risks of disease from a county health department before obtaining the certified nonmedical waiver form through the Local Health Department.
- C. The child has received at least one (1) dose of each immunizing agent and the next dose(s) are not due yet. The District must follow up with the parent or legal guardian to ensure the student has received the required follow-up dose(s) of the vaccine.

When the District provides information on immunizations, infectious disease, medications, or other school health issues to parents and guardians of students in at least grades 6, 9, and 12, the Board shall include information about meningococcal meningitis and, the vaccine for meningococcal meningitis and about human papillomavirus and the vaccine for human papillomavirus. The information shall include at least the causes and symptoms of meningococcal meningitis and how it is spread and the risks associated with human papillomavirus. In addition, the information shall include sources where parents/guardian may obtain additional information about both diseases and where they may obtain meningococcal meningitis and/or human papillomavirus vaccination of a child.

Revised 8/15/07

Revised 12/10/08

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Legal M.C.L. 333.9201 et seq., 380.1177, 380.1177a
A.C. 325.176

Book	Policy Manual
Section	Pending Board Approval
Title	USE OF MEDICATIONS
Code	po5330
Status	
Adopted	September 12, 2001
Last Revised	April 10, 2019

5330 - USE OF MEDICATIONS

The Board of Education shall not be responsible for the diagnosis and treatment of student illness. The administration of prescribed medication and/or medically-prescribed treatments to a student during school hours will be permitted only when failure to do so would jeopardize the health of the student, the student would not be able to attend school if the medication or treatment were not made available during school hours, or the ~~child-student~~ **student** is disabled and requires medication to benefit from ~~his/her~~ **the student's** educational program.

For purposes of this policy, **the following definitions shall be used:**

"Administer" means the direct application of a nonprescription drug product or prescription drug, whether by injection, ingestion, or other means, to the human body.

"Medication" shall include all medicines including those prescribed by a physician and any nonprescribed (over-the-counter) drugs, preparations, and/or remedies.

"Nonprescription drug product" means any non-narcotic drug product which may be sold without a prescription and which is prepackaged for use by consumers and labeled in accordance with the requirements of State and Federal law.

"Practitioner" shall include any physician, naturopathic doctor, dentist, podiatrist, optometrist, physician assistant, and advanced practice nurse prescriber who is licensed in any state.

"Treatment" refers both to the manner in which a medication is administered and to health-care procedures which require special training, such as catheterization.

Administration of Prescription Drug Products by School Staff

Before any prescribed medication may be administered to any student during school hours, the Board shall require written instructions from the child's practitioner accompanied by the written authorization of the parent. Such documentation shall be kept on file in the **(X)** school office ~~() nurse's office () health room~~ **[END OF OPTION]**. Prescription medication must be provided in the original container with the prescription label showing the name and telephone number of the pharmacy, the student's name, the name of the physician, the name of the drug, and the dosage to be administered.

All prescription medication shall be secured and appropriately stored (allowing for quick access and retrieval before, during, and after school hours), unless the medication is an emergency medication that the student is authorized to carry by Administration and self-administer by authorization of both the student's parent(s) and practitioner, and the possession of such medication by the student in school is not prohibited by law or regulation.

Administration of Nonprescription Drug Products by School Staff

Nonprescription drug products may be administered to any student during school hours only with the prior written consent of the parent. Such documentation shall be kept on file in the **(X)** school office ~~() nurse's office () health room~~ **[END OF OPTION]**. Substances that are not FDA approved (i.e., natural products, food supplements) **(X)** will require the written instruction of a practitioner and the written consent of the parent **(X)** will not be administered by District staff **[END OF OPTION]**. **()** Nonprescription drugs that are provided by the parent may be administered by school staff only if the nonprescription drugs are supplied in the original manufacturer's package which lists the ingredients, recommended therapeutic dosage in a legible format, and the student's name. **[END OF OPTION]** ~~() If a parent has completed the appropriate form authorizing the school to administer nonprescription drugs (e.g., acetaminophen, ibuprofen, diphenhydramine), the student may receive such drugs from the school's supply consistent with the parental authorization~~

~~and the nonprescription drug dosage information. [END OF OPTION] Any dosage of nonprescription medication other than that listed on the medication's packaging must be authorized in writing by a medical practitioner.~~

~~Before any prescribed medication or treatment may be administered by any staff member to any student during school hours, the Board shall require the written prescription from the child's physician accompanied by the written authorization of the parent. Both must also authorize any self-medication by the student.~~

~~Before any nonprescribed medication or treatment may be administered by any staff member, the Board shall require the prior written consent of the child's physician and parent who must also authorize any self-medication by his/her child. Medications will be administered by the District in accordance with the Superintendent's guidelines.~~

~~Only medication in its original container; labeled with the date, if a prescription; the student's name; and exact dosage will be administered. Parents, or students authorized in writing by their physician and parents, may administer medication or treatment.~~

Staff members are to administer medication or treatment only in the presence of another adult, except in the case of an emergency that threatens the life or health of the student. Staff licensed as professional registered nurses are exempt from this requirement.

All staff authorized to administer medication or treatment will receive training on this policy and the Superintendent's guidelines, as well as appropriate procedures for administering the medication or treatment. School staff must be trained by a licensed registered professional nurse, physician, or physician assistant who has knowledge of local school medication policies and procedures.

All medication shall be kept in a secured storage case in the school office.

The Board shall permit the administration by staff of any medication requiring intravenous or intramuscular injection or the insertion of a device into the body when both the medication and the procedure are prescribed by a physician and the staff member has completed any necessary training.

Students who may require administration of an emergency medication may have such medication in ~~accordance~~ **accordance** with the Superintendent's administrative guidelines.

Student Possession of Medication

[DRAFTING NOTE: Select option for possession and self-administration of medication by students.]

~~[OPTION #1]~~

~~Students are prohibited from possessing, using, carrying, or distributing in school, at school-sponsored events, or on school grounds any drugs or other products which, even though not defined as a drug, are used or marketed for use for medicinal purposes, such as to relieve pain or to relieve the symptoms of an underlying medical condition (including aspirin, ibuprofen, dietary supplements, CBD oil products, etc.).~~

[END OF OPTION #1]

[OR]

[OPTION #2]

Unless authorized as specified below, students are prohibited from possessing, using, carrying, or distributing in school, at school-sponsored events, or on school grounds any drugs or other products which, even though not defined as a drug, are used or marketed for use for medicinal purposes, such as to relieve pain or to relieve the symptoms of an underlying medical condition (including aspirin, ibuprofen, dietary supplements, CBD oil products, etc.).

High school students may possess and self-administer their own nonprescription medications **(X)** and prescription medications **[END OF OPTION]** at school if the appropriate medication authorization form is filed in the school office, provided the student is in possession and self-administers in compliance with relevant District policies **(X)** and administrative guidelines **[END OF OPTION]**. **(X)** Responsible students in grades K through eight (8) may be permitted to possess and self-administer medications after consultation with the Principal, school nurse, and parent. If granted permission by the Principal, a medication management plan must be written and signed by all parties. Permission must be obtained every school year. **[END OF OPTION]**

[END OF OPTION #2]

The provisions of this policy are to be viewed together with the Board Policy 5530 - Drug Prevention.

Students may possess and self-administer a metered dose or dry powder inhaler for relief of asthma, or before exercise to prevent onset of asthma symptoms, while at school, on school-sponsored transportation, or at any school-sponsored activity in accordance with the Superintendent's guidelines, if the following conditions are met:

- A. There is written approval from the student's physician or other health care provider and the student or parent/guardian (if student is under eighteen (18)) to possess and use the inhaler (Form 5330 F1c),
and
- B. the building administrator has received a copy of the written approvals from the physician and the parent/guardian,
and
- C. there is on file at the student's school a written emergency care plan prepared by a licensed physician in collaboration with the student and his/her the student's parent/legal guardian. The plan shall contain specific instructions on the student's needs including what to do in the event of an emergency.

Students with a need for emergency medication may also be allowed to self possess and self administer such medication, provided that they meet the same conditions established above. Students who are prescribed epinephrine to treat anaphylaxis shall be allowed to self possess and administer the medication if they meet the conditions stated above.

General Provisions

Students shall be permitted to possess and self-administer U.S. Food and Drug Administration ("FDA") approved, over-the-counter topical products while on school property or at a school-sponsored event provided the student has submitted prior written approval of his/her the student's parent/guardian to the Principal.

No student may provide or sell any type of medication to another student.

The District and its personnel are immune from civil and criminal liability related to the administration or non-administration of medications to the extent set forth in applicable State law.

[X] The Board shall permit the administration by staff of any medication requiring a delivery method other than oral ingestion when both the medication and the procedure are prescribed by a practitioner and the delivery is under the supervision of a licensed nurse (when available), provided that the staff member has completed any necessary training and that staff member voluntarily agrees to deliver the medication. No staff member, other than a health care professional, may be required to administer medications that are administered by means other than oral ingestion. **[END OF OPTION]**

This policy and the administrative guidelines developed to establish appropriate procedures shall be implemented in such a manner to comply with District's obligations and the student's needs under any Individualized Education Plan, Section 504 Plan, or other legally required accommodation for individuals with disabilities.

The Superintendent shall prepare administrative guidelines to ensure the proper implementation of this policy.

Revised 11/14/07
Revised 5/28/08
Revised 11/12/08

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M.C.L. 380.1178, 380.1178a, 380.1179

Michigan Department of Education, Model Policy and Guidelines for Administering Medications to Pupils at School, Policy on Management of Asthma in Schools

Book	Policy Manual
Section	Pending Board Approval
Title	EPINEPHRINE AUTO-INJECTORS
Code	po5330.01
Status	

LOCS did not originally adopt, so this would be new policy for the district.

Revised Policy - Vol. 39, No. 2

5330.01 - EPINEPHRINE AUTO-INJECTORS

Students who are prescribed epinephrine to treat anaphylaxis shall be allowed to self-possess and self-administer the medication if they meet the conditions as stated in Policy 5330.

~~Each~~ Commencing with the 2014-15 school year, each school in the District shall have at least two (2) epinephrine auto-injectors (Epi-Pens) available at the school site. It shall be the responsibility of the _____ **Building Administrator** **[insert person or position]** to be sure that the supply of Epi-Pens is maintained at the appropriate level and they have not expired. The _____ **Building Administrator and/or licensed nurse** shall also be responsible for coordinating the training of District employees to administer Epi-Pen injections and to maintain the list of employees authorized to administer such injections.

Individuals Qualified to Administer

Only a licensed, registered professional nurse employed or contracted by the District or a school employee who has successfully passed the required training shall be allowed to possess and administer Epi-Pen injections to students. The persons authorized to use the District maintained Epi-Pens will be maintained in each school by the Principal, and shall be available on an electronically accessible site for employees' reference.

Each school shall have at least one person trained in the appropriate use and administration of an Epi-Pen injection. In each school with ten (10) or more combined instructional and administrative staff, at least two (2) employees at that site shall be appropriately trained in the use of an Epi-Pen.

Training of employees on the appropriate use and administration of an Epi-Pen injection shall be done in accordance with any guidelines provided by the Michigan Department of Education, and shall be conducted under the supervision of a licensed registered professional nurse. The training shall include an evaluation by the nurse of the employees' understanding of the protocols for administering an Epi-Pen injection.

Students to Whom Injections May Be Administered

A licensed, registered, professional nurse or trained and authorized employees under this policy may administer Epi-Pen injections to 1) any student who has a prescription on file with the District, in accordance with the directives in such prescription, and 2) any individual on school grounds who is believed to be having an anaphylactic reaction.

The District and its personnel are immune from civil and criminal liability related to the administration or non-administration of epinephrine to the extent set forth in applicable State law.

Reporting of Injections

Any person who administers an Epi-Pen injection to a student shall promptly notify the

student's parent/guardian.

~~() _____, who shall be responsible for promptly notifying the student's parent/guardian that an injection has been administered.~~

All Epi-Pen injections by District employees to students shall be reported in writing to the _____ **Teaching and Learning Department**. The report shall include whether the school's or student's Epi-Pen was used, and whether the student was previously known to be subject to severe allergic reaction (anaphylaxis).

The _____ **Teaching and Learning Department** shall at least annually report to the Department of Education, in the form and manner determined by the Department, information on the number of injections provided to students, the number of injections with District Epi-Pens and the number of incidents where students were not known to be subject to severe allergic reactions.

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M.C.L. 380.1178, 380.1179, 380.1179A

Michigan Department of Education, Model Policy and Guidelines for Administering Medications to Pupils at School

Book	Policy Manual
Section	Pending Board Approval
Title	STUDENT HEALTH, WELL-BEING, AND SUICIDE PREVENTION
Code	po5350
Status	
Adopted	September 12, 2001
Last Revised	August 15, 2007

5350 - **STUDENT HEALTH, WELL-BEING, AND SUICIDE PREVENTION**

The Board of Education recognizes the importance of addressing emotional and physical safety of students and staff in order to create and maintain safe and supportive learning environments. Comprehensive mental health and wellness initiatives are key to providing that students are in school, healthy, ready to learn, and prepared for success that depression and self-destruction are problems of increasing severity among children and adolescents. A student who suffers the psychological disability of depression cannot benefit fully from the educational program of the schools, and a student who has attempted self-destruction poses a danger both to himself/herself and to other students.

[X] The District's comprehensive mental health and wellness initiatives may include supports and services that promote:

- A. Positive school climate;
- B. Social skills;
- C. Mental health and well-being;
- D. Support for students and staff; and
- E. Trauma-informed and restorative practices.

The District shall implement specific strategies to promote school safety, including student instruction, anonymous reporting systems, threat assessment teams, emergency management plans, and staff training. **[END OF OPTION]**

~~**[]** The District may provide students with age appropriate instruction concerning the warning signs and risk factors for suicide and depression and the protective factors that help prevent suicide. **[END OF OPTION]**~~

All school personnel should be alert to the student who exhibits signs of unusual depression or who threatens or attempts suicide. Any such signs or the report of such signs from another student or staff member should be taken with the utmost seriousness.

District staff shall receive professional development training in the risk factors, warning signs for suicide and depression, and about the protective factors that help prevent suicide, as well as the available resources regarding youth suicide awareness and prevention. **(X)** Such training shall include the warnings signs of non-suicidal self-injurious behaviors. **[END OF OPTION]**

Additional professional development training in suicide risk assessment and intervention shall may be provided to counselors, psychologists, and school nurses.

The instruction and professional development shall be designed to:

- A. To prevent both fatal and nonfatal suicide behaviors among youth.
- B. To increase pupil awareness of the warning signs and risk factors for suicide and depression.
- C. To improve access to appropriate prevention services for vulnerable youth groups.

The Superintendent shall develop and implement administrative guidelines whereby members of the professional staff understand how to use an intervention procedure which includes the following:

Step 1 - Stabilization

Step 2 - Assessment of the Risk

Step 3 - Use of Appropriate Risk Procedure

Step 4 - Communication with Appropriate Parties

Step 5 - Follow-up

[X] The Superintendent shall may implement instruction for students on the dangers of depression and suicide through age-appropriate programs. Such instruction shall may focus on:

- A. awareness of the risks and warning signs;
- B. access to appropriate prevention services;
- C. prevention of suicidal behaviors among students.

Parents/Guardians shall be notified of any suicide prevention instruction provided their children using the communication method used for regular communication with parents in that particular building. Upon written request of a parent/guardian, a student will be excused from instruction in this area.

Throughout any intervention, it is essential that Board policies and District guidelines regarding confidentiality be observed at all times.

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M.C.L. 380.1171

Kelson v City of Springfield, 767 F2d 651 (9th Cir. 1985)

Book	Policy Manual
Section	Pending Board Approval
Title	GRADUATION REQUIREMENTS
Code	po5460
Status	
Adopted	September 12, 2001
Last Revised	April 10, 2019

5460 - GRADUATION REQUIREMENTS

It shall be the policy of the Board of Education to acknowledge each student's successful completion of the instructional program or a personal curriculum appropriate to the achievement of District goals and objectives as well as personal proficiency, by the awarding of a diploma at graduation ceremonies.

The Board shall annually notify each of its students and a parent or legal guardian of each of its students that all students are entitled to a personal curriculum. The annual notice shall include an explanation of what a personal curriculum is and state that if a personal curriculum is requested, the public school or public school academy will grant that request. The District shall provide this annual notice to parent and legal guardians by sending a written notice to each student's home or by including the notice in a newsletter, student handbook, or similar communication that is sent to a student's home, and also shall post the notice on the District website.

~~[] The Superintendent is authorized to provide each student in grade twelve (12) and the parent of each student in grade twelve (12) a notice regarding the existence of the Free Application for Federal Student Aid ("FAFSA") and a description of the process, benefits, and requirements of completing the FAFSA. This notice also shall include approximate annual tuition costs of each State educational institution of higher education in Michigan and State scholarships, grants, or other assistance available to students in Michigan. The Superintendent may use the model notice prepared by the Commission of Higher Education or develop a local notice containing the required information. [END OF OPTION]~~

The Board shall award a regular high school diploma to every student enrolled in this District who meets the requirements of graduation established by this Board, the Michigan Department of Education ("MDE"), and as provided by State law.

Credit may be earned by:

- A. traditional course work;
- B. demonstrating mastery of subject area content expectations or guidelines for the credit;
- C. related course work in which content standards are embedded;
- D. non-traditional course work;
- E. independent teacher-guided study;
- F. testing out;
- G. dual enrollment;
- H. advanced placement courses;
- I. international baccalaureate or other "early college" programs;
- J. Michigan Department of Education ("MDE")-approved formal career and technical ("CTE") program or curriculum; or
- K. ~~on-line~~online class.

Students shall successfully complete an ~~on-line~~online course or learning experience OR shall have the ~~on-line~~online learning experience incorporated into each of the required credits of the Michigan Merit Curriculum.

Special education students who properly complete the programs specified in their I.E.P., or in a personal curriculum, ~~and~~ meet the requirements for a high school diploma, and have received the recommendation of the I.E.P.C. may participate in graduation activities as recommended by the student's I.E.P.C. Reasonable accommodation shall be made for students with disabilities, as defined under State or Federal law, to assist them in taking any required tests or assessments for graduation.

For State-mandated curriculum requirements, a student shall be granted credit toward graduation if ~~s/he~~the student successfully completes the subject area content expectations or guidelines developed by the department that apply to the credit. A student may also receive credit if ~~s/he~~the student earns a qualifying score, as determined by the State on the assessments developed or selected for the subject area by the State or the student earns a qualifying score, as determined by the District on one (1) or more assessments developed or selected by the School District that measure a student's understanding of the subject area content expectations or guidelines that apply to the credit. For subject areas and courses in which a final examination is used as the assessment for successful attainment of the subject area content, a grade of C+ or better is required.

The Board shall grant credit toward high school graduation for any student who successfully completes, prior to entering high school, a State-mandated curriculum requirement, provided ~~s/he~~the student completes the same content requirements as the high school subject area, and the student has demonstrated the same level of proficiency on the material as required of the high school students.

For elective courses, which are not State-mandated curriculum requirements, the Board shall grant credit to any high school student who is not enrolled in the course, but has exhibited a reasonable level of knowledge of the subject matter of the course by achieving C+ or better in the final exam for the course, or, if there is no final exam, ~~through~~through the basic assessment used for the course, which may consist of a portfolio, paper, project, presentation, or other established means.

Such credit shall be counted toward the required number of credits needed for graduation. Mastery credits shall be counted toward any subject area requirement and any course sequence requirement. Once mastery credit is earned in a subject area, a student may not receive further credit for a lower sequence course in the same subject area.

A high school student shall be granted credit in any foreign language not offered by the District providing the student meets the competency criteria established by the Superintendent.

A high school student shall be granted credit for completion of an internship or work experience that meets all of the requirements of MCL 380.1279h, subject to the Board's right to deny credit for the reasons and in the manner set out in MCL 380.1279h. The appeal rights set out in this statute apply in the event of a denial.

The career and technical education credits may include work-based learning by a student working at a business or other work setting with appropriate oversight by the District over the student's experience and learning in the work setting in which the work-based learning occurs.

Commencement exercises will include only those students who have successfully completed requirements as certified by the high school principal. No student who has completed the requirements for graduation shall be denied a diploma as a disciplinary measure. A student may be denied participation in the ceremony of graduation, however, when personal conduct so warrants.

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Revised 6/8/11

Revised 9/27/17

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Legal

M.C.L. 380.1166, 380.1278a(1), 380.1278a(2), 380.1278a(4)(c), 380.1279b

M.C.L. 380.1278d, 380.1279h

20 U.S.C. 1400 et seq.

20 U.S.C. 1401 et seq.

29 U.S.C. 794

42 U.S.C. 12131 et seq.

Book	Policy Manual
Section	Pending Board Approval
Title	PERSONNEL FILES
Code	po8320
Status	
Adopted	September 12, 2001
Last Revised	May 11, 2022

8320 - PERSONNEL FILES

It is necessary for the orderly operation of the School District to prepare a personal information system for the retention of appropriate files bearing upon an employee's duties and responsibilities to the District and the District's responsibilities to the employee.

The Board of Education requires that sufficient records exist to ensure an employee's qualifications for the job held; compliance with Federal, State, and local benefit programs; conformance with District rules; and evidence of completed evaluations. Such records will be kept in compliance with the laws of the State of Michigan.

Unless the District is required by law to provide this information to a third-party, the District shall not disclose an employee's home address or contact information to a third party without the employee's written authorization.

The Board delegates the maintenance of an employee personal information system to the Human Resources Department.

A single central file shall be maintained, and subsidiary records shall be maintained for ease in data gathering only.

Only that information which pertains to the professional role of the employee and submitted by duly authorized school administrative personnel and the Board may be entered in the official record file. The employee shall be informed whether requested information is legally required or whether s/he may decline to supply the information.

Employee medical records, including, but not limited to, insurance forms, medical certifications by a physician, and requests for leave or accommodation, shall not be maintained in the employee's personnel file and shall instead be maintained in a confidential medical file.

A copy of each such entry shall be given to the employee upon request.

An employee may review their personnel record upon written request.

The employee may periodically review their file at reasonable intervals, generally not more than two (2) times in a calendar year or as otherwise provided by law or by a collective bargaining agreement.

Personnel wishing to review their own records shall:

- A. request access in writing;
- B. review the record in the presence of the administrator designated to maintain said records or designee;
- C. make no alterations or additions to the record nor remove any material therefrom;
- D. sign a log attached to the file indicating date and person reviewing.

Personnel records shall be available to Board members and school administrators as may be required in the performance of their jobs.

Any employee who inappropriately releases information, or uses confidential information for personal reasons, will be disciplined in accordance with established policies and procedures. If an employee is approached to provide information inappropriately, the employee must refuse to release the requested information in accordance with applicable procedures or refer the requestor to the employee's immediate supervisor.

Personnel wishing to appeal material in their record as to its accuracy, completeness, relevance, or timeliness shall make a request in writing to the administrator delegated to maintain the records and specify therein:

- A. name and date;
- B. material to be appealed;
- C. reason for appeal.

The responsible administrator shall hear the appeal and make a determination within ninety (90) days of the appeal in accordance with law.

If the appeal does not resolve the disagreement, the employee may submit a written statement, not exceeding five (5) sheets of 8 1/2 inch by 11-inch paper, explaining the employee's position. This written statement shall be kept in the employee's file.

Records Retention

Generally, personnel files shall be maintained for the duration of the individual's employment with the District, plus six (6) years. Files maintained on employees who were cited for unprofessional conduct shall be maintained for the duration of employment plus fifty (50) years.

Medical files shall be maintained for the period during which the individual is employed by the District or receiving benefits, whichever is longer, plus seven (7) years.

Per the State of Michigan Records Retention and Disposal Schedule for Public Schools, 404A.

State of Michigan Records Retention and Disposal Schedule for Public Schools at 400A and 400B.

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Legal

M.C.L. 423.501 et seq.

Book	Policy Manual
Section	Pending Board Approval
Title	FOOD SERVICES
Code	po8500
Status	
Adopted	September 12, 2001
Last Revised	December 1, 2021

8500 - FOOD SERVICES

The Board of Education shall provide cafeteria facilities in all school facilities where space and facilities permit and will provide food service for the purchase and consumption of lunch for all students.

The Board shall also provide a breakfast program in accordance with procedures established by the Department of Education.

The food service program shall comply with Federal and State regulations pertaining to the selection, preparation, delivery, consumption, and disposal of food and beverages including, but not limited to, the current United States Department of Agriculture's ("USDA") school meal pattern requirements and the USDA Smart Snacks in School nutrition standards, as well as to the fiscal management of the program.

Further, the food service program shall comply with Federal and State regulations pertaining to the fiscal management of the program as well as all the requirements pertaining to food service hiring and food service manager/operator licensure and certification. In addition, as required by law, a food safety program based on the principles of the Hazard Analysis and Critical Control Point ("HACCP") system shall be implemented with the intent of preventing food-borne illnesses. For added safety and security, access to the facility and the food stored and prepared therein shall be limited to food service staff and other authorized persons.

The Board shall approve and implement nutrition standards governing the types of food and beverages that may be sold on the premises of its schools and shall specify the time and place each type of food or beverage may be sold. In adopting such standards, the Board shall:

- A. consider the nutritional value of each food or beverage;
- B. consult with a dietitian licensed under R.C. Chapter 4759, a dietetic technician registered by the Commission on Dietetic Registration, or a school nutrition specialist certified or credentialed by the School Nutrition Association;
- C. consult and incorporate to the maximum extent possible the dietary guidelines for Americans jointly developed by the USDA and the United States Department of Health and Human Services; and
- D. consult and incorporate the USDA Smart Snacks in School nutrition guidelines.

The District's food service program shall serve only food items and beverages determined by the Food Service Department to be in compliance with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidelines. (X) Any competitive food items and beverages that are available for sale to students a la carte in the dining area between midnight and thirty (30) minutes following the end of the school day shall also comply with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidelines. Foods and beverages not associated with the food service program may be vended in accordance with the rules and regulations set forth in Board Policy 8540 - Vending Machines. **[END OF OPTION]**

The Superintendent will require that the food service program serve foods in the schools of the District that are wholesome and nutritious and reinforce the concepts taught in the classroom.

The Superintendent is responsible for implementing the food service program in accordance with the adopted nutrition standards and shall provide a report to the Board at one of its regular meetings, annually, regarding the District's compliance with the standards. (←) ~~The Superintendent shall ensure that the District's vendors and/or food service management contractor is provided a copy of this policy and any implementing guidelines and that any pertinent agreements are consistent with this policy and any implementing guidelines.~~ **[END OF OPTION]**

No food or beverage may be sold on any school premises except in accordance with the standards approved by the Board.

Dietary Modifications

[DRAFTING NOTE: This section contains three (3) categories of circumstances in which a student may receive a modified meal. The first category, "Compliant Medical Documentation," is mandatory, whereas the second two (2) categories, i.e., "Noncompliant Medical Requests" and "Requests Not Based on a Medical Statement", are optional. The Board may choose either or neither of the two (2) optional categories.]

Modifications Based on Compliant Medical Documentation

An adult student or student's parent requesting special dietary accommodations for a student with a disability that restricts the diet must provide the Medical Statement for Special Dietary Needs signed by a State authorized medical authority, which is a medical professional authorized in the State of Michigan to write prescriptions. The request must contain the following information:

- A. an explanation of how the student's physical or mental impairment restricts the diet;
- B. the food(s)/type(s) of foods to be avoided;
- C. the food(s)/type(s) of foods to be substituted; and
- D. additional pertinent information, if any, that will assist in accommodating the student's needs.

If a Medical Statement for Special Dietary Needs is incomplete, unclear, or lacks sufficient detail, the Special Dietary Accommodation Coordinator or Food Service Director shall request that the student or parent/guardian request that the medical authority supplement the response so that a safe meal can be provided.

A special dietary accommodation for a student who has a disability that restricts the student's diet must be supported by a Medical Statement for Special Dietary Needs, which should be submitted to the (X) Food Service Director who shall serve as the Special Dietary Accommodation Coordinator (~~) Special Dietary Accommodation Coordinator. [END OF OPTIONS] [Insert name, address, phone, email address.] [DRAFTING NOTE - at least one (1) person must be identified as responsible for coordinating compliance with disability-based dietary modifications per 7 C.F.R. Part 15b.6.]~~

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A student with a disability may have an IEP or 504 plan that requires specific instruction, services, or accommodation related to the student's nutritional needs. If a student's IEP or 504 plan contains the same information that is required on a Medical Statement for Special Dietary Needs, then it is not necessary to obtain and submit a separate Medical Statement for Special Dietary Needs.

The individual making an initial request for such substitutions must inform the Food Service Director or Special Dietary Accommodation Coordinator that the student has a disability that restricts the student's diet. The School District will honor the request upon receipt of the required documentation from a State-authorized medical authority. If the Special Dietary Accommodation Coordinator is unable to grant a requested accommodation following receipt of the medical authority's statement, the student or parent shall be provided with an explanation of the basis for the decision. Compliant requests shall be immediately implemented.

Disability Accommodation Grievance Procedure

The following procedure is intended to provide prompt and equitable resolution to any concern or disagreement regarding the food service program's administration of meal modifications made or requested on the basis of a student's disability. None of the procedures described in this policy section shall prevent a student or parent from pursuing a complaint with any State or Federal agency, including the USDA, using the procedures described at the end of this policy.

- A. If an initial request for accommodation in the form of substituted meals is denied, the student or parent may request review of that decision by the (~~) Building Principal (~~) District's Compliance Coordinator (~~) Superintendent (X) _____ Assistant Superintendent of Business and Finance [OTHER] [END OF OPTIONS] [DRAFTING NOTE: The grievance procedure can be designed as appropriate for each District] and shall provide any communications between the student or parent and food service officials concerning the accommodation request, any documentation provided by a medical authority, and any additional information the student or parent believes is pertinent to the decision. A review of the materials provided and of the initial decision shall be completed and a response provided to the student or parent as soon as practicable following receipt of the request for review. If the initial decision is reversed, including due to additional information provided on review, the dietary accommodations shall be implemented without delay. If the initial decision is affirmed, (~~) the decision is final (X) the decision may be appealed to the Superintendent whose decision is final (~~) _____ [OTHER] [END OF OPTIONS].~~~~~~~~~~
- B. Any other complaint or disagreement with the food service administration concerning implementation of special dietary accommodations based on a student's disability shall be presented to the Special Dietary Accommodation Coordinator. The student or parent shall specify the nature of the concern and any requested remedy in writing. The Coordinator shall promptly review the grievance and either contact the student or parent for any required clarification of the request or to seek to reach an agreement regarding how to best address the concern. If no agreement is reached, the Coordinator shall make a determination and notify the student or parent in writing as soon as practicable. If the grievance is affirmed in any respect, the Coordinator shall propose a plan for

implementing appropriate remedial measures. If the student or parent is dissatisfied with the Coordinator's determination, the student or parent may submit a written request to the Building Principal or Superintendent for review. The administrator's determination shall be final.

[OPTIONAL PROVISION - for medical statements not compliant with 7 C.F.R. Part 15b]

[] Modifications Based on Noncompliant Medical Requests

On a case by case basis, substitutions to the standard meal requirements may be made, at no additional charge, for students who provide a signed statement from a qualified medical authority that the student cannot consume certain food items due to medical or other special dietary needs, but which does not comply with the requirements above. To qualify for such consideration and substitutions the medical statement must identify:

- A. the medical or dietary need that restricts the student's diet; and
- B. the food(s) to be omitted from the student's diet and the food(s) or choice of foods that may be substituted.

[END OF OPTION]

[OPTIONAL PROVISION - Based on preferences with no medical documentation] [DRAFTING NOTE: If the Board chooses to include this category of modification, it must also choose among the options below.]

[] Modification Based on Student/Parental Preference

When a request for a special dietary accommodation is not supported by an authorized Medical Statement for Special Dietary Needs or included in a student's IEP or 504 plan, the School District cannot provide modified meals that are not in compliance with USDA Child Nutrition Program requirements. However, the Board authorizes the following:

- A. **() Fluid Milk Substitution [DRAFTING NOTE: If selected, choose one (1) of the following two (2) options]**

() The School District shall have no legal obligation to accommodate a student's or a parent's preference for a fluid milk substitute if there is no Medical Statement for Special Dietary Needs on file requiring such a substitute. However, the District will assist the student in choosing a reimbursable meal through offer versus serve ("OVS"). **[DRAFTING NOTE: This gives students the ability to decline some of the food options offered as part of the reimbursable meals. For example: five (5) components need to be offered and students need to take three (3) options. They can decline milk for example, and it is still a reimbursable meal. The intent is to give students a choice and avoid food waste. Schools have the ability whether or not they use OVS.]**

[OR]

() The School District shall offer a Federally approved milk substitute with a written and signed request from a parent that identifies the reason for the special dietary accommodation.

- B. **() Religious Reason [DRAFTING NOTE: If selected, choose one (1) of the following two (2) options]**

() The School District shall have no legal obligation to accommodate a student's or parent's request for accommodations based on religious requests. However, the District will assist the student in choosing a reimbursable meal through OVS.

[OR]

() The School District will provide substitutions based on religious requests to any student, for any religious reason with a written and signed request by a parent that identifies the reason for the accommodation. A substitution for a religious request must meet USDA Child Nutrition Program meal pattern requirements.

- C. **() General Dietary Preference [DRAFTING NOTE: If selected, choose one (1) of the following two (2) options]**

() The School District shall have no legal obligation to accommodate a student's or parent's general health, nutrition, or food preferences. However, the District will assist the student in choosing a reimbursable meal through OVS.

[OR]

() The School District will provide substitutions based on lifestyle preferences to any student with a written and signed request by a parent that identifies the reason for the accommodation. A substitution for a personal request must meet USDA Child Nutrition Program meal pattern requirements.

[END OF OPTIONS]

IMPLEMENTATION AND DISCONTINUATION

Review

Upon receipt of a request for a special dietary accommodation, the Food Service Director or Special Dietary Accommodation Coordinator shall review the request to ensure it is supported as required by Federal law and District policy and if not, shall request additional or clarifying information from the student or parent making the request.

Implementation

When the need for a special dietary accommodation is supported by a Medical Statement for Special Dietary Needs signed by a State-authorized medical authority, the District will offer a reasonable modification that effectively accommodates the student's disability. Following USDA Child Nutrition Program regulations, the School District may consider factors such as cost and efficiency and is not required to prepare a specific meal, provide a specific brand of food, or provide a meal beyond the meals provided to other students.

For students who have an IEP or 504 plan that requires specific food-related accommodations, the School District shall provide the accommodation as required by law, seeking clarifying medical information, as necessary.

A special dietary request will be approved and implemented upon submission of a completed authorized Medical Statement.

Student Absence

If a student receiving a special dietary accommodation is absent or does not wish to participate in school lunch on a day an accommodation is planned, the student or parent shall contact the Special Dietary Accommodation Coordinator by 9:00 a.m. [or enter a time] the same day.

Renewing A Special Dietary Request

An authorized Medical Statement does not need to be updated annually. However, the Special Dietary Accommodation Coordinator may annually seek clarification or updates on special dietary requests.

Discontinuation of a Special Dietary Request

A special dietary request or part of a request may be discontinued by a parent by submitting the request in writing to the Special Dietary Accommodation Coordinator or shall be discontinued consistent with the medical authorities' recommendation provided with the Medical Statement for Special Dietary Needs.

~~The Board does not discriminate on the basis of race, color, national origin, sex (including sexual orientation or gender identity), disability, age (except as authorized by law), religion, military status, ancestry, or genetic information (collectively, "Protected Classes") in its educational programs or activities. Students and all other members of the School District community and third parties are encouraged to promptly report incidents of unlawful discrimination and/or retaliation to a teacher, administrator, supervisor, or other District official so that the Board may address the conduct. See Policy 2260—Nondiscrimination and Access to Equal Educational Opportunity.~~

~~The food service program shall comply with Federal and State regulations pertaining to the selection, preparation, delivery, consumption, and disposal of food and beverages, including but not limited to the current USDA's school meal pattern requirements for Americans and the USDA Smart Snacks in School nutrition standards, as well as to the fiscal management of the program. In addition, as required by law, a food safety program based on the principles of the Hazard Analysis and Critical Control Point (HACCP) system shall be implemented with the intent of preventing food borne illnesses. For added safety and security, access to the facility and the food stored and prepared therein shall be limited to food service staff and other authorized persons.~~

Substitutions

~~If determined appropriate by a student's Section 504 team, substitutions to the standard meal requirements shall be made, at no additional charge, for students for whom a healthcare provider who has prescriptive authority in the State of Michigan has provided medical certification that the student has a disability which restricts his/her diet, in accordance with the criteria set forth in 7 CFR 15(b). To qualify for such substitutions the medical certification must identify:~~

- ~~A. the student's disability and the major life activity affected by the disability;~~
- ~~B. an explanation of why the disability affects the student's diet; and~~
- ~~C. the food(s) to be omitted from the student's diet, and the food or choice of foods that must be substituted (e.g., caloric modifications or use of liquid nutritive formula).~~

~~On a case by case basis, substitutions to the standard meal requirements may be made, at no additional charge, for a student who is not a "disabled person" but has a signed statement from a qualified medical authority that the student cannot consume certain food items due to medical or other special dietary needs. To qualify for such consideration and substitutions the medical statement must identify:~~

- ~~A. the medical or dietary need that restricts the student's diet; and~~

~~B. the food(s) to be omitted from the student's diet and the food(s) or choice of foods that may be substituted.~~

~~For non-disabled students who need a nutritional equivalent milk substitute, only a signed request by a parent or guardian is required.~~

Lunches sold by the school may be purchased by students and staff members and community residents in accordance with the administrative guidelines established by the Superintendent.

The operation and supervision of the food-service program shall be the responsibility of the Assistant Superintendent for Business and Finance and the Food Service Director. Food services shall be operated on a self-supporting basis with revenue from students, staff, Federal reimbursement, and surplus food. The Board shall assist the program by furnishing available space, initial major equipment, and utensils. Maintenance and replacement of equipment is the responsibility of the program.

~~A periodic review of the food service accounts shall be made by the Assistant Superintendent for Business and Finance. Any surplus funds from the National School Lunch Program shall be used to reduce the cost of the service to students or to purchase cafeteria equipment. Surplus funds from a la carte foods purchased using funds from the nonprofit food service account must accrue to the nonprofit food service account.~~

Meal Charges

Meals sold by the school may be purchased by students, staff members, and community residents in accordance with administrative guidelines established by the Superintendent. Meals may be made available, free of charge, to senior citizens who are serving as volunteers to the District.

The operation and supervision of the food service program shall be the responsibility of the _____ Food Service Director. In accordance with Federal law, the _____ Food Service Director shall take such actions as are necessary to obtain a minimum of two (2) food safety inspections per school year, which are conducted by the State or local governmental agency responsible for food safety inspections. The report of the most recent inspection will be posted in a publicly visible location, and a copy of the report will be available upon request. **[DRAFTING NOTE: Schools participating in more than one (1) child nutrition program are only required to obtain two (2) food safety inspections per school year if the nutrition programs offered use the same facilities for the preparation and service of meals. Also, the requirement for two (2) inspections does not apply to schools that only offer the Special Milk Program.]**

A periodic review of the food service accounts shall be made by the _____ Food Service Director. Any surplus funds from the National School Lunch Program or the Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296) shall be used to reduce the cost of the service to students or to purchase cafeteria equipment. Surplus funds from a-la-carte foods may accrue to the food service program.

Bad Debt

Bad debt incurred through the inability to collect lunch payment from students is not an allowable cost chargeable to any Federal program. Any related collection cost, including legal cost, arising from such bad debt after they have been determined to be uncollectable are also unallowable. District efforts to collect bad debt shall be in accordance with Policy 6152 - Student Fees, Fines, and Charges.

Bad debt is uncollectable/delinquent debt that has been determined to be uncollectable by the end of the school year in which the debt was incurred. If the uncollectable/delinquent debt cannot be recovered by the School Meals Program in the year when the debt was incurred, then this is classified as bad debt. Once classified as bad debt, non-Federal funding sources must reimburse the NSFSA for the total amount of the bad debt. The funds may come from the District general fund, State or local funding, school or community organizations such as the PTA, or any other non-Federal source. Once the uncollectable/delinquent debt charges are converted to bad debt, records relating to those charges must be maintained in accordance with the record retention requirements in 7 CFR 210.9(b) (17) and 7 CFR 210.15(b).

Negative Account Balances

[DRAFTING NOTE: USDA regulations provide local control with respect to permitting negative lunch account balances, including prohibiting it altogether. As a practical matter, a hard-line rule prohibiting any negative account balances is not recommended. Rather, permitting some limited negative balances to occur, while placing some restrictions on those situations, is likely the most appropriate. Nonetheless, this first option recognizes that each School District does have the choice to prohibit a negative balance without any exceptions].

[] [OPTION #1]

~~No student will be permitted to purchase any meals for which the student does not have sufficient balance in their food service account or sufficient cash on hand to purchase the food items.~~

Students receiving paid or reduced price lunch who do not have sufficient account balance or cash on hand to purchase a meal () will be provided an alternative meal () will not be provided an alternative meal [END OF OPTIONS] that meets the USDA guidelines applicable to alternative meal options. The Superintendent shall, in coordination with the District's food service, assure that any alternative meals that are provided meet the requisite USDA guidelines for alternative meals. The cost of the alternative meal will be added to the delinquent account.

[END OF OPTION #1]

[X] [OPTION #2]

Students will be permitted to purchase meals from the District's food service using either cash on hand or a food service account. A student may be allowed to incur a negative food service account balance subject to the following conditions.

Students may be permitted to accumulate a negative food service account balance () not to exceed \$ _____ [ENTER AMOUNT] () not to exceed an amount equal to one (1) school week of regular meal price [END OF OPTIONS]. () Students up to grade eight (8) will be allowed to incur a negative balance not to exceed \$ _____ [ENTER AMOUNT]. [END OF OPTIONAL SENTENCE] [DRAFTING NOTE: The Board may establish a different permissible negative balance for elementary grades to account for the students' lower level of responsibility for managing these accounts at the younger grade levels.] A student () shall (X) shall not [END OF OPTION] be permitted to purchase a la carte items without sufficient account balance or cash on hand. () Likewise, any student who has a negative account balance may not purchase a la carte items with cash unless the student is also able to bring their account current. [END OF OPTIONAL SENTENCE]

[X] A student who has exceeded the permissible with a negative balance amount in their account and who does not have cash on hand sufficient to purchase a meal will be treated respectfully. The District will provide meals to students with unpaid meal balances without stigmatizing them, will provide parents of students who charge meals with notification when a student charges a meal and will make efforts to collect the charges incurred by the students so that the unpaid charges are not classified as bad debt at the end of the school year.

[X] [OPTION A]

If a student has reached the permissible level of a negative lunch account balance, that student shall be provided a regular reimbursable meal that follows the USDA meal pattern, the cost of which shall continue to accrue to a negative lunch account balance.

[END OF OPTION A]

[] [OPTION B]

If a student has a significant negative lunch account balance, they shall be provided an alternate meal, () at a reduced price recommended by the Superintendent and approved by the Board, [END OF OPTION] the cost of which shall continue to accrue to a negative lunch account balance, and the student's parent(s) shall be contacted to collect the outstanding charges. The alternate meal will be a low cost alternative to the regular reimbursable meal and shall meet USDA nutritional standards or the Smart Snacks in Schools Regulations so that it qualifies for reimbursement under the National School Lunch/Breakfast Program.

[END OF OPTION B]

[] Negative lunch account balances will carry over from year to year until paid in full or until a student enters 9th grade. Upon entering 9th grade, any negative lunch account balances will be converted to school fees. Parents/Guardians will be responsible for paying all fees in accordance with Policy 6152 Student Fees, Fines, and Charges. Fee waivers are applied in accordance with Policy 6152.01 Waivers of School Fees for Instructional Materials. [END OF OPTION]

[END OF OPTION #2]

[END OF OPTIONS]

Students who have qualified for Free lunches are still responsible for paying off any debt that was incurred prior to qualifying for free lunches. This policy and any implementing guidelines shall be provided in writing to all households at the start of each school year and to households transferring to the school or School District during the year. The policy and implementing guidelines will also be provided to all District staff with responsibility for enforcing the policies. (X) The policy and guideline(s) will be posted on the District website. [END OF OPTION]

The Superintendent is authorized to develop and implement an administrative guideline regarding meal charge procedures. This guideline will provide consistent directions for students who are eligible for reduced price or paid meals but do not have funds in their account or in hand to cover the cost of their meal at the time of service and shall also address feeding students with unpaid meal balances without stigmatizing them.

This guideline shall be provided in writing to all households at the start of each school year and to households transferring to the school or School District during the school year.

With regard to the operation of the school food service program, the Superintendent shall require:

- A. the maintenance of sanitary, neat premises free from fire and health hazards;
- B. the preparation of food that complies with Federal food safety regulations;
- C. the planning and execution of menus in compliance with USDA requirements;
- D. the purchase of foods and supplies in accordance with State and Federal law, USDA regulations, and Board policy (See Policy 1130, Policy 3110, and Policy 4110);
- E. complying with food holds and recalls in accordance with USDA regulations;
- F. the accounting and disposition of food-service funds pursuant to Federal and State law and USDA regulations;
- G. the safekeeping and storage of food and food equipment pursuant to State and Federal law and USDA regulations;
- H. the regular maintenance and replacement of equipment;
- I. all District employees whose salaries are paid for with USDA funds or non-federal funds used to meet a match or cost-share requirement must comply with the District's time and effort record-keeping policy (See Policy 6116).

The District shall serve only nutritious food as determined by the Food Service Department in compliance with the current USDA Nutrition Standards for the National School Lunch and School Breakfast Programs and the USDA Smart Snacks in School nutrition guidelines. Foods and beverages unassociated with the food-service program must comply with the current USDA Nutrition Standards for the National School Lunch and School Breakfast Programs and the USDA Smart Snacks in School nutrition guidelines and may be vended in accordance with Board Policy 8540.

The Superintendent will require that the food service program serve foods in District schools that are wholesome and nutritious and reinforce the concepts taught in the classroom.

The Superintendent is responsible for implementing the food service program in accordance with the adopted nutrition standards and shall provide a report regarding the District's compliance with the standards at one of the Board's regular meetings annually.

Nondiscrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture ("USDA") civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity. The District's nondiscrimination statement below is complementary to the District's nondiscrimination policies, including Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity and Policy 1422/Policy 3122/Policy 4122 - Nondiscrimination and Equal Employment Opportunity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language) should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete Form AD-3027, USDA Program Discrimination Complaint Form, which can be obtained online at <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights ("ASCR") about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. Mail:
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or
2. Fax:(833) 256-1665 or (202) 690-7442; or
3. E-mail:program.intake@usda.gov.

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Revised 8/15/07
Revised 5/13/09
Revised 6/8/11
Revised 8/23/17

Revised 8/14/19

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Legal

Healthy, Hunger-Free Kids Act of 2010 and Richard B. Russell National School Lunch Act, 42 U.S.C. 1751 et seq.

Child Nutrition Act of 1966, 42 U.S.C. 1771 et seq.

M.C.L. 380.1272, 1272a, 1272d et seq.

7 C.F.R. Parts 15b, 127, 210, 215, 220, 225, 226, 240, 245, 3015

42 U.S.C. 1758, 1760

OMB Circular No. A-87 USDA Smart Snacks in School Food Guidelines (effective July 1, 2014)

SP 32-2015 Statements Supporting Accommodations for Children with Disabilities in the Child Nutrition Programs

Book	Policy Manual
Section	Pending Board Approval
Title	WELLNESS
Code	po8510
Status	
Adopted	June 30, 2006
Last Revised	December 1, 2021

8510 - **WELLNESS**

As required by law, the Board of Education establishes the following wellness policy for the Lake Orion Community School District.

The Board recognizes that good nutrition and regular physical activity affect the health and well-being of the District's students. Furthermore, research concludes that there is a positive correlation between a student's health and well-being and ~~his/her~~ **the student's** ability to learn. Moreover, schools can play an important role in the developmental process by which students establish their health and nutrition habits by providing nutritious meals and snacks through the schools' meal programs, by supporting the development of good eating habits, and by promoting increased physical activity both in and out of school.

The Board, however, believes this effort to support the students' development of healthy behaviors and habits with regard to eating and exercise cannot be accomplished by the schools alone. It will be necessary for not only the staff, but also parents and the public at large to be involved in a community-wide effort to promote, support, and model such healthy behaviors and habits **with respect to eating and exercise**.

The Board sets the following goals in an effort to enable students to establish good health, **healthy nutrition, and physical activity habits** ~~and nutrition habits~~:

A. With regard to nutrition education, the District shall:

1. Nutrition education shall be included in the Health curriculum so that instruction is sequential and standards-based and provides students with the knowledge, attitudes, and skills necessary to lead healthy lives.
2. Nutrition education shall be included in the sequential, comprehensive Health curriculum in accordance with the curriculum standards and benchmarks established by the State.
3. Nutrition education may include opportunities for appropriate student projects related to nutrition, involving, when possible, community agencies and organizations.
4. Nutrition education shall extend beyond the classroom by engaging and involving the school's food service staff.
5. The school cafeteria shall serve as a learning lab by allowing students to apply the knowledge, attitudes, and skills taught in the classroom when making choices at mealtime.
6. Nutrition education may extend beyond the school by engaging and involving families and the community.
7. Nutrition education standards and benchmarks promote the benefits of a balanced diet that includes fruits, vegetables, whole grain products, **lean meats, fish, poultry, plant-based proteins, and low-fat and fat-free milk** ~~and low-fat and fat-free~~ dairy products.

B. With regard to physical activity, the District shall:

1. **Physical Education**

- a. A sequential, comprehensive physical education program shall be provided for students in K-12 in accordance with the standards and benchmarks established by the State.
- b. The physical education curriculum shall provide sequential instruction related to the knowledge, attitudes, and skills necessary to participate in lifelong, health-enhancing physical activity.
- c. Planned instruction in physical education shall be sufficient for students to achieve a proficient level with regard to the standards and benchmarks established by the State.

2. Physical Activity

- a. Physical activity should not be employed as a form of discipline or punishment.
 - b. Physical activity and movement shall be integrated, when possible, across the curricula and throughout the school day.
- C. With regard to other school-based activities the schools in our system utilize electronic identification and payment systems, therefore, eliminating any stigma or identification of students eligible to receive free and/or reduced meals. Free drinking water shall be available to students during designated meal times and may be available throughout the school day.
- D. With regard to nutrition promotion, any foods and beverages marketed or promoted to students on the school campus, during the school day, will meet or exceed the USDA Smart Snacks in School nutrition standards.
- E. Rewarding children in the classroom should not involve candy and other foods that can undermine children's diets and health and reinforce unhealthy eating habits. A wide variety of alternative rewards can be used to provide positive reinforcement for children's behavior and academic performance.

Furthermore, with the objectives of enhancing student health and well being, and reducing childhood obesity, the following guidelines are established:

- A. In accordance with Policy 8500, entitled Food Service, the food service program shall comply with Federal and State regulations pertaining to the selection, preparation, consumption, and disposal of food and beverages, including, but not limited to, the USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition standards, as well as to the fiscal management of the program.
- B. As set forth in Policy 8531, entitled Free and Reduced Price Meals, the guidelines for reimbursable school meals are not less restrictive than the guidelines issued by the U.S. Department of Agriculture (USDA).

The sale of foods of minimal nutritional value in the food service area during the lunch period is prohibited.
- C. The sale of foods and beverages to students that do not meet the USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition standards to be consumed on the school campus during the school day is prohibited.
- D. All food items and beverages available for sale to students for consumption on the school campus (any area of property under the jurisdiction of the school that is accessible to students during the school day) between midnight and thirty (30) minutes after the close of the regular school day shall comply with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition standards, including, but not limited to, competitive foods that are available to students a la carte or as entrees in the dining area (except entree items that were offered on the National School Lunch Program (NSLP) or School Breakfast Program (SBP) menu on the day of and the day after they are offered on the NSLP or SBP menu), as well as food items and beverages from vending machines, from school stores, or as fund-raisers, including those operated by student clubs and organizations, parent groups, or boosters clubs.
- E. All foods offered on the school campus during the school day shall comply with the current USDA Dietary Guidelines for Americans, including competitive foods that are available to students a la carte in the dining area, as classroom snacks, or from vending machines.
- F. All food and beverages that are provided, other than through sale, on the school campus during the school day (which may include classroom snacks, for classroom parties, and at holiday celebrations) shall comply with the food and beverage standards approved by the Superintendent or designee.

- G. The food service program will strive to be financially self-supporting; however, if it is necessary to subsidize the operation, it will not be through the sale of foods with minimal nutritious value.
- H. The food service program will provide all students affordable access to the varied and nutritious foods they need to be healthy and to learn well regardless of unpaid meal balances and without stigma.
- I. All foods available to students in District programs, other than the food service program, shall be served with consideration for promoting student health and well-being.
- J. The food service program shall be administered by a director who is properly qualified, certificated, licensed, or credentialed, according to current professional standards.
- K. Continuing professional development shall be provided for all staff of the food service program.

The Board designates the Assistant Superintendent and Food Service Director as the individual(s) charged with operational responsibility for verifying that the District meets the goals established in this policy.

The Superintendent shall appoint a District wellness committee that includes parents, students, representatives of the school food authority, educational staff (including health and physical education teachers), mental health and social services staff, school health professionals, members of the public and school administrators to oversee development, implementation, evaluation and periodic update of the wellness policy. The Wellness Committee shall be an ad hoc committee with members recruited and chosen annually. School-level health advisory teams may assist in the planning and implementation of these Wellness initiatives.

The Wellness Committee shall be responsible for:

- A. assessment of the current school environment;
- B. review of the District's wellness policy;
- C. presentation of the wellness policy to the school board for approval;
- D. measurement of the implementation of the policy;
- E. recommendation for the revision of the policy, as necessary.

Before the end of each school year the Wellness Committee shall recommend to the Superintendent any revisions to the policy it deems necessary and/or appropriate. In its review, the Wellness Committee shall consider evidence-based strategies in determining its recommendations.

The Superintendent is also responsible for informing the public, including parents, students and community members, on the content and implementation of this policy. In order to inform the public, the Superintendent shall include information in the student handbook and post the policy on the District's website, including the Wellness Committee's assessment of the implementation of the policy.

The District shall assess the Wellness Policy at least once every three (3) years on the extent to which schools in the District are in compliance with the District policy, the extent to which the District policy compares to model wellness policies, and the progress made in attaining the goals of the District Wellness Policy. The assessment shall be made available to the public on the School District's website.

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1. Mail:

U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or

2. Fax:

(833) 256-1665 or (202) 690-7442; or

3. E-mail:

program.intake@usda.gov.

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Revised 8/8/12

Revised 9/27/17

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Legal

42 U.S.C. 1751, Sec. 204

42 U.S.C. 1771

7 C.F.R. Parts 210 and 220

Book	Policy Manual
Section	Pending Board Approval
Title	TRANSPORTATION FOR FIELD AND OTHER DISTRICT-SPONSORED TRIPS
Code	po8640
Status	
Adopted	September 12, 2001
Last Revised	August 14, 2019

8640 — TRANSPORTATION FOR FIELD AND OTHER DISTRICT-SPONSORED TRIPS

~~It shall be the policy of the Board of Education to use regular or special purpose school vehicles for transportation on field and other District sponsored trips.~~

~~The transportation for all field and other District sponsored trips is to be by vehicles owned or approved by the District and driven by approved drivers. Exceptions must have the approval of the Superintendent or designee.~~

~~The District will provide for the vehicles for all other trips but a mileage charge will be assessed to cover the cost of the driver and fuel.~~

~~This charge is to be paid by the sponsoring organization.~~

~~Transportation may be limited by the availability of vehicles, drivers, and scheduling and will not be available when needed for general school purposes.~~

~~All field trips shall be supervised by members of the staff. All other District sponsored trips shall be supervised by either staff members or adults from the sponsoring organization. Any time students are on the vehicle, at least one (1) sponsor, chaperone, or staff member is expected to ride in the vehicle as well as to supervise students upon return to the District and while they are waiting for rides home.~~

~~All students are expected to ride the approved vehicle to and from each activity. A special request must be made to the staff member or sponsor by the parent, in writing or in person, to allow an exception.~~

~~District students not affiliated with the trip activity, nondistrict students, and/or children of preschool age shall not be permitted to ride on the trip vehicle without the approval of the principal.~~

~~No student is allowed to drive on any trip. An exception may be made by the principal on an individual basis provided the student has written parental permission and does not transport any other student.~~

~~The Superintendent shall prepare administrative guidelines to ensure that all transportation is in compliance with Board policy on use of District vehicles and/or use of private vehicles.~~

~~Revised 8/27/08~~

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Julie Olko

From: Neola, Inc. <Neola_leadership@Neola.com>
Sent: Friday, April 11, 2025 1:34 PM
To: Julie Olko
Subject: Special Release – Title IX Regulations

External Message

[View this email in your browser](#)



DATE: April 11, 2025
TO: Neola Michigan Clients
SUBJECT: Special Release - Title IX Regulations

Recommendations Regarding Title IX Policies

As Neola has consistently stated, we have been monitoring developments regarding the evolution of Title IX regulations and grievance procedures requirements and providing updated policy-based recommendations as appropriate. The U.S. Department of Education (“USDOE”) issued a “Dear Colleague” letter on Friday, January 31, 2025, stating that it was adopting the judicial vacatur of the rule, in effect invalidating the 2024 regulations. A revised “Dear Colleague” letter was issued on Tuesday, February 4, 2025, further detailed the USDOE’s position concerning Title IX enforcement. It is clear from these letters that the Office of Civil Rights (OCR) will enforce Title IX pursuant to the 2020 regulations rather than the 2024 regulations.

One important thing to note, the revised letter tweaked one important sentence in stating that open Title IX investigations that were initiated under the 2024 Title IX Rule should be **“immediately reevaluated to ensure consistency with the 2020 Title IX Rule and the preexisting regulations at 34 C.F.R. 106 et seq.”** The original letter stated that such investigations should be “immediately reoriented to comport fully” with the 2020 regulations.

Accordingly, school boards are advised to take action relative to policies adopted pursuant to the now invalidated regulations.

Based on the court decisions challenging the 2024 Title IX regulations that have been discussed over the past six months, and the current Department of Education's position on the matter, Districts are advised to rescind Policy 2264 - Nondiscrimination on the Basis of Sex In Education Programs or Activities to avoid confusion or to avoid adverse treatment by the Department of Education.

Given that the rule and thus the policy is being treated as invalid as of its inception, the policy can be treated as inactive automatically until such time as the Board is able to take formal action.

Revisions to Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities

With Policy 2264- Nondiscrimination on the Basis of Sex In Education Programs or Activities being invalid and subsequently rescinded, districts are still obligated to comply with the mandates of Title IX's prohibition against disparate treatment in programming on the basis of sex. The regulations adopted in 2020 will again govern investigations alleging violations of Title IX that involve "sexual harassment" as defined by the regulatory definition found in 34 CFR § 106.30(a). Policy 2266 - Nondiscrimination on the Basis of Sex In Education Programs or Activities (The Board's Policy and Grievance Procedures for Responding to Sexual Harassment Alleged to Have Occurred Prior to 8/1/2024) was recently revised to insert a sunset provision based on the U.S. Department of Education's 2024 regulations, which continued to apply Policy 2266 only as to complaints involving conduct alleged to have occurred prior to August 1, 2024. ***That sunset provision has been removed from the policy template and should be removed from District policy, which Boards could opt to accomplish as a technical correction pursuant to Board Bylaw 0131.1 - Bylaws and Policies.***

It is important to note that the 2020 version of the regulations only applies to allegations involving sexual harassment and that any other type of sex discrimination complaint must be investigated under one of the District's nondiscrimination policies (i.e. Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity and Policy 1422/3122/4122 – Nondiscrimination and Equal Employment Opportunity). Likewise, Districts are reminded that state law and related policy prohibiting bullying does not depend on the subject matter of bullying-type behavior and still requires that complaints alleging bullying being investigated and resolved, even when gender identity or related concepts are the basis for the bullying behavior.

Reminder Regarding Applicable Law

The Dear Colleague letter referenced above notes that the basis for invalidating the 2024 regulations is the definition of "on the basis of sex" contained within that regulation. Specifically, the various district court decisions

and President Trump's executive order on the issue oppose the definition that covers gender identity, sex stereotypes, sex characteristics, and sexual orientation.

The definition of the term "sex" includes gender identity and sexual orientation in the context of equal employment opportunity under federal law, Title VII of the Civil Rights Act. See *Bostock v. Clayton County*, 590 U.S. 644 (2020).

Action by the federal executive branch, including by way of Executive Orders, direct the activities and priorities of federal agencies, such as the Department of Education, but those orders do NOT supersede federal or state statutes, and they do not reverse or invalidate decisions of the federal courts.

As a result, Michigan districts will need to (a) rescind Policy 2264 - Nondiscrimination on the Basis of Sex in Education Programs or Activities; (b) remove reference to the end date of the applicability of Policy 2266 - Nondiscrimination on the Basis of Sex In Education Programs or Activities (The Board's Policy and Grievance Procedures for Responding to Sexual Harassment Alleged to Have Occurred Prior to 8/1/2024); and (c) continue to investigate and resolve complaints involving gender identity and related considerations under the District's existing nondiscrimination policies to comply with state and federal law that has not been affected by executive order.

The policy revisions are required by yet another shift in Title IX regulations. Policy 2264 - Nondiscrimination on the Basis of Sex in Education Programs or Activities should be treated as inactive until formally rescinded, and the limiting language should be considered invalid immediately in Policy 2266 - Nondiscrimination on the Basis of Sex In Education Programs or Activities (The Board's Policy and Grievance Procedures for Responding to Sexual Harassment Alleged to Have Occurred Prior to 8/1/2024).

Disclaimer: This Alert is provided for informational purposes only. It does not constitute legal advice and does not create an attorney-client relationship. Questions should be addressed to the school district's legal counsel for specific legal advice.

If you have questions about any materials, please get in touch with your Neola Associate. All production-related materials and questions should be directed to the Production Office at production@neola.com or 1-800-407-5815. Billing and other questions should be directed to the Business Office at accounts@neola.com or 330-926-0514.

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You are receiving this email because you are listed as the Neola contact person for your school district.

Our mailing address is:

Neola, Inc.
3914 Clock Pointe
Suite 103
Stow, OH 44224

Book	Policy Manual
Section	Pending Board Approval
Title	NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES
Code	po2264
Status	
Adopted	July 24, 2024
Last Revised	February 12, 2025

~~2264~~ **NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES**

~~This policy pertains to sex discrimination, including sex-based harassment, which occurs on or after August 1, 2024. Allegations of sex-based harassment, that occur on or before July 31, 2024, shall be addressed pursuant to Policy 2266 and AG-2266. Throughout this policy, unless expressly stated otherwise, reference to "Title IX" includes and incorporates the 2024 Title IX regulations (also known as the "2024 Final Rule"). The Title IX regulations are found at 34 CFR Part 106. References solely to Title IX (20 U.S.C. §§ 1681–1688) are denoted as "Title IX (Statute)." In this policy, unless the context otherwise requires, words importing the singular include the plural and vice versa.~~

NONDISCRIMINATION

Overview:

~~The Board of Education of Lake Orion Community Schools (hereinafter referred to as "the Board" or "the District") does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in admission and employment.~~

~~Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.~~

~~The Board is committed to maintaining an education and work environment that is free from sex discrimination (including sex-based harassment), responding promptly and effectively when it has knowledge of conduct that reasonably may constitute sex discrimination, and addressing sex discrimination in its education program or activity. Persons who commit sex-based harassment are subject to the full range of disciplinary sanctions set forth in this policy. The Board will provide persons who have experienced sex-based harassment ongoing remedies as reasonably necessary to restore or preserve access to the District's education program or activity.~~

KEY DEFINITIONS

~~Words used in this policy shall have those meanings specified herein; words not defined herein shall be construed according to their plain and ordinary meanings.~~

Complainant means:

- ~~A. a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or~~
- ~~B. a person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX and who was participating or attempting to participate in the District's education program or activity at the time of the alleged sex discrimination.~~

~~**Complaint** means: an oral or written request to the District that objectively can be understood as a request for the District to investigate and make a determination about alleged discrimination under Title IX.~~

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday—Friday, excluding State recognized holidays):

Disciplinary sanctions means: consequences imposed on a respondent following a determination under Title IX that the respondent violated the Board's prohibition on sex discrimination:

Education program or activity refers to: all the District's operations including, but not limited to, in-person and online/remote educational instruction, employment, extracurricular activities, athletics, performances, and community engagement and outreach programs. The term applies to all activity that occurs on school grounds or on other property owned or occupied by the Board. It also includes events and circumstances that take place off school property/grounds but over which the District asserts disciplinary authority.

Eligible Student means: a student who has reached eighteen (18) years of age or is attending an institution of postsecondary education:

Exculpatory evidence means: evidence that is favorable to a respondent because it helps excuse, justify, or absolve a respondent of alleged wrongdoing and tends to establish a respondent did not engage in sex discrimination.

Inculpatory evidence means: evidence that links a respondent to alleged wrongdoing and tends to establish a respondent engaged in sex discrimination (i.e., has culpability):

Parental status means: the status of a person who, with respect to another person who is under the age of eighteen (18) or who is eighteen (18) or older but is incapable of self-care because of a physical or mental disability, is:

- A. a biological parent;
- B. an adoptive parent;
- C. a foster parent;
- D. a stepparent;
- E. a legal custodian or guardian;
- F. in loco parentis with respect to such a person; or
- G. actively seeking legal custody, guardianship, visitation, or adoption of such a person.

Party means: a complainant or respondent.

Peer retaliation means: retaliation by a student against another student.

Pregnancy or related conditions means:

- A. pregnancy, childbirth, termination of pregnancy, or lactation;
- B. medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
- C. recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

Relevant means: related to the allegations of sex discrimination under investigation as part of the Board's grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

Remedies means: measures provided, as appropriate, to a complainant or any other person the District identifies as having had their equal access to the District's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the District's education program or activity after the District determines that sex discrimination occurred.

Respondent means: a person who is alleged to have violated the Board's prohibition on sex discrimination.

Retaliation means: intimidation, threats, coercion, or discrimination against any person by the District, a student, a Board employee, or any other person authorized by the Board to provide aid, benefit, or service under the District's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the 2024 Title IX regulations.

Sex-based harassment prohibited under this policy and the 2024 Title IX regulations is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex—including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity—that is:

- A. Quid pro quo harassment. An employee, agent, or other person authorized by the Board to provide an aid, benefit, or service under the District's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.

OR

- B. Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the District's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

1. the degree to which the conduct affected the complainant's ability to access the District's education program or activity;
2. the type, frequency, and duration of the conduct;
3. the parties' ages, roles within the District's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
4. the location of the conduct and the context in which the conduct occurred; and
5. other sex-based harassment in the District's education program or activity.

OR

- C. Specific offenses:

1. Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
2. Dating violence meaning violence committed by a person:
 - a. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - b. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 1. the length of the relationship;
 2. the type of relationship; and
 3. the frequency of interaction between the persons involved in the relationship.
3. Domestic violence meaning felony or misdemeanor crimes committed by a person who:
 - a. is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction in which the District is located, or a person similarly situated to a spouse of the victim;
 - b. is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
 - c. shares a child in common with the victim; or

- d. commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the applicable jurisdiction.
4. Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - a. fear for the person's safety or the safety of others; or
 - b. suffer substantial emotional distress.

Student means: a person eligible to enroll in, attend, or participate in an elementary (including preschool) or secondary school in the District and who is enrolled in, attending, or participating in, or is seeking/attempting to enroll in, attend, or participate, in the District's education program or activity.

Student with a disability means: a student who is an individual with a disability as defined under Section 504 of the Rehabilitation Act of 1973, as amended ("Section 504"), or a child with a disability as defined under the Individuals with Disabilities Education Improvement Act ("IDEA").

Supportive measures means: individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

- A. restore or preserve that party's access to the District's education program or activity, including measures that are designed to protect the safety of the parties or the District's educational environment; or
- B. provide support during the Board's grievance procedures or an informal resolution process.

Parental, Family, or Marital Status

The Board will not adopt or apply any policy, practice, or procedure concerning a student's current, potential, or past parental, family, or marital status that treats such student differently on the basis of sex.

Pregnancy or Related Conditions

Students:

The Board prohibits discrimination in its education program or activity against any student based on the student's current, potential, or past pregnancy or related conditions. The Board will permit a student, based on pregnancy or related conditions, to voluntarily participate in a separate portion of the District's education program or activity provided the separate portion is comparable to that offered to students who are not pregnant and do not have related conditions. A student who is pregnant or experiencing related conditions shall receive comparable treatment to those with temporary medical conditions. In other words, to the extent not otherwise addressed above, the Board will treat pregnancy or related conditions in the same manner and under the same policies as any other medical condition with respect to any medical or hospital benefit, service, plan, or policy the Board administers, operates, offers, or participates in with respect to students admitted to the District's education program or activity.

The District will not require a student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person that the student is physically able to participate in the District's class, program, or extracurricular activity unless:

- A. the certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity;
- B. the District requires such certification of all students participating in the class, program, or extracurricular activity; and
- C. the information obtained is not used as a basis for discrimination prohibited by Title IX or this Policy.

District's Responsibilities with Respect to a Student's Pregnancy or Related Conditions

When a Board employee is informed of a student's pregnancy or related conditions by the student or a person who has a legal right to act on behalf of the student, the employee shall promptly provide that person with the Title IX Coordinator's contact information and inform that person that the Title IX Coordinator can coordinate specific actions to prevent sex

discrimination and ensure the student's equal access to the District's education program or activity, unless the employee reasonably believes the Title IX Coordinator has already been notified.

Once a student, or a person who has a legal right to act on behalf of the student, notifies the Title IX Coordinator of the student's pregnancy or related conditions, the Title IX Coordinator shall promptly take the following specific actions to effectively prevent sex discrimination and ensure equal access to the District's education program or activity:

- A. Inform the student and, if applicable, the person who notified the Title IX Coordinator of the District's obligations to:
 1. prohibit sex discrimination under this policy, including sex-based harassment;
 2. provide the student with the option of reasonable modifications to the Board's policies, practices, or procedures because of pregnancy or related conditions;
 3. allow access, on a voluntary basis, to any separate and comparable portion of the District's education program or activity;
 4. allow a voluntary leave of absence;
 5. provide lactation space; and
 6. maintain grievance procedures that provide for the prompt and equitable resolution of complaints of sex discrimination, including sex-based harassment.
- B. Provide the student with voluntary reasonable modifications to the Board's policies, practices, or procedures because of pregnancy or related conditions.
- C. Allow the student to take a voluntary leave of absence from the District's education program or activity to cover, at minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. To the extent that a Board maintains a leave policy for students that allows a greater period of time than the medically necessary period, the Board shall permit the student to take leave under that policy instead if the student so chooses. When the student returns to the District's education program or activity, the student will be reinstated to the academic status and, as practicable, to the extracurricular status that the student held when the leave began.
- D. Provide lactation space, which must be a space other than a bathroom, that is clean, shielded from view, free from intrusion from others, and may be used by a student for expressing breast milk or breastfeeding as needed.

See Policy 5751— Parental Married Status of Students and Administrative Guideline 5751— Pregnancy.

Employees:

The Board will not adopt or implement any policy, practice, or procedure, or take any employment action, on the basis of sex:

- A. concerning the current, potential, or past parental, family, or marital status of an employee or applicant for employment, which treats persons differently; or
- B. that is based upon whether an employee or applicant for employment is the head of household or principal wage earner in such employee's or applicant's family unit.

The Board also will not make a pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is a "Miss or Mrs."

Similarly, the Board will treat pregnancy or related conditions as any other temporary medical conditions for all job-related purposes, including commencement, duration, and extensions of leave; payment of disability income; accrual of seniority and any other benefit or service; and reinstatement; and under any fringe benefit offered to employees by virtue of employment.

If an employee has insufficient leave or accrued employment time to qualify for leave under the Board's leave policy, the Board will treat pregnancy or related conditions as a justification for a voluntary leave of absence without pay for a reasonable period of time, at the conclusion of which the employee shall be reinstated to the status held when the leave began or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities, or any other right or privilege of employment.

The Board will provide reasonable break time for an employee to express breast milk or breastfeed as needed and will provide the employee with access to a lactation space, which must be a space other than a bathroom that is clean, shielded from view, free from intrusion from others, and may be used by an employee for expressing breast milk or breastfeeding as needed. See Board Policy 6700—Fair Labor Standards Act.

TITLE IX COORDINATOR(S)

The Board designates and authorizes the following individual(s) to coordinate its efforts to comply with the Board's responsibilities under Title IX:

Adam Weldon
Assistant Superintendent of Human Resources
248-693-5400
315 N. Lapeer Street
Lake Orion, MI 48362
adam.weldon@lok12.org

Andrea Curtis
Assistant Superintendent of Business & Finance
248-693-5400
315 N. Lapeer Street
Lake Orion, MI 48362
andrea.curtis@lok12.org

The Board designates Adam Weldon as the coordinator who is ultimately responsible for oversight over the Board's compliance with its responsibilities under Title IX.

The Title IX Coordinator may delegate specific duties to one (1) or more designees.

The Title IX Coordinator shall report directly to the Superintendent except when the Superintendent is a party to a complaint (i.e., either the complainant or the respondent). Under such circumstances, the Title IX Coordinator shall report directly to the Board's Legal Counsel until the matter in which the Superintendent is a party is concluded.

Questions about this policy and Policy 2266 and AG 2264 and AG 2266 should be directed to the Title IX Coordinator.

The Title IX Coordinator shall monitor the District's education programs and activities for barriers to reporting information about conduct that reasonably may constitute sex discrimination under Title IX, and take steps reasonably calculated to address such barriers.

Notice of Nondiscrimination

The Superintendent shall provide a notice of nondiscrimination to students, parents, guardians, or other authorized legal representatives of elementary and secondary students; employees; applicants for admission and employment; and all unions and professional organizations holding collective bargaining or professional agreements with the Board. Specifically, the Superintendent shall post the notice of nondiscrimination on the District's website and in each handbook, catalog, announcement, bulletin, and application form that it makes available to the persons listed above, or which are otherwise used in connection with the recruitment of students or employees. See AG 2264.

GRIEVANCE PROCEDURES

Overview:

The Board adopts the following grievance procedures to provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in the District's education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX.

These grievance procedures shall be used for all complaints of sex discrimination, including sex-based harassment, involving conduct alleged to have occurred on or after August 1, 2024. These grievance procedures also may be used, at the discretion of the Title IX Coordinator, to investigate, address, and remedy (as necessary) conduct alleged to have occurred before August 1, 2024, that does not involve sex-based harassment, but some other form of sex discrimination prohibited by Title IX (Statute)—e.g., claims of unequal athletic opportunities, admissions discrimination, discrimination in courses or academic programs (i.e., excluding students from certain classes or programs based on their sex), pregnancy discrimination, unequal treatment based on parental, family, or marital status, discrimination in employment (including in hiring, promotion, and compensation), and retaliation. If the Title IX Coordinator elects not to use these grievances

procedures to investigate and resolve such claims, the Title IX Coordinator will still need to implement some procedures to assess—in a prompt, effective, and equitable manner—whether Title IX (Statute) was violated, and, if it was, how best to end the sex discrimination in the District’s education program or activity, prevent its recurrence, and remedy its effects.

Reports and Formal Complaints of “Sexual Harassment” (as defined in Policy 2266) involving conduct alleged to have occurred prior to August 1, 2024, are subject to the grievance procedures outlined in Policy 2266.

Under all circumstances, the Title IX Coordinator shall offer and coordinate supportive measures, as appropriate, in accordance with this policy and AG 2264, or Policy 2266 and AG 2266, if the Report or Formal Complaint involves “Sexual Harassment” alleged to have occurred prior to August 1, 2024.

If the conduct giving rise to a report or complaint of sex discrimination is alleged to have occurred both before **and** after August 1, 2024 (i.e., is part of a pattern of sex discrimination), the Title IX Coordinator shall determine, after consulting with the Board’s Legal Counsel, whether to use the grievance procedures contained in this policy or the grievance procedures contained in Policy 2266. The Title IX Coordinator will notify, in writing, the parties of the determination and the rationale for it. Under no circumstances, however, will a party be denied the due process to which the party is entitled based on the U.S. Department of Education issued regulations in effect at the time the conduct alleged to violate Title IX (Statute) took place. Nothing herein shall prevent the Title IX Coordinator from using a hybrid grievance procedure that contains aspects of the grievance procedures contained in both this policy and Policy 2266, so that the parties receive all of the due process to which they are entitled.

Complaints:

The following people may make a complaint of sex discrimination—i.e., request that the District investigate and make a determination about whether sex discrimination as prohibited under Title IX occurred:

- A. a “complainant,” which includes:
 - 1. a student or employee of the District who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - 2. a person other than a student or employee of the District who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the District’s education program or activity;
- B. a parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant;
- C. the District’s Title IX Coordinator.

A person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person who was subjected to the sex-based harassment, or if the Title IX Coordinator initiates a complaint consistent with the requirements of the 2024 Title IX regulations, which are detailed in AG 2264.

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

- A. any student or employee of the District; or
- B. any person other than a student or employee who was participating or attempting to participate in the District’s education program or activity at the time of the alleged sex discrimination.

The District may consolidate complaints of sex discrimination against more than one (1) respondent, or by more than one (1) complainant against one (1) or more respondents, or by one (1) party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one (1) complainant or more than one (1) respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Basic Requirements:

The District will treat complainants and respondents equitably.

All persons involved with implementing the grievance procedures and any other aspects of Policy 2264, including the Title IX Coordinator, the investigator, the decisionmaker, and the appeal decisionmaker, and the facilitator of the informal resolution process, shall be free from any conflicts of interest or bias for or against complainants or respondents generally.

~~or an individual complainant or respondent.~~

~~The Title IX Coordinator may serve simultaneously as an investigator and/or a decisionmaker.~~

~~If the Title IX Coordinator does not intend to serve as the investigator and decisionmaker in a specific case, the Title IX Coordinator shall designate one (1) or more administrators who are appropriately trained to serve in the role. Likewise, the Title IX Coordinator shall appoint an appeal decisionmaker when an appeal is filed.~~

~~In circumstances when the Title IX Coordinator and trained administrators do not have time/capacity to serve, or are prevented due to a conflict of interest, bias, or partiality, or other reasons that impair the Title IX Coordinator and other trained administrators from serving as an investigator and/or decisionmaker in a specific case, the Title IX Coordinator shall, in consultation with and approval of the Superintendent, secure one (1) or more independent third parties to serve as the investigator and/or decisionmaker. Similarly, the Title IX Coordinator has authority, in consultation with and approval of the Superintendent, to secure an independent third party to serve as the appeal decisionmaker.~~

~~The District presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.~~

~~Under ordinary circumstances, the Board expects to complete the major stages of the grievance procedures within the timeframe specified below:~~

- ~~A. **Evaluation**—The Title IX Coordinator will determine whether to dismiss a complaint or investigate it within ten (10) days of receiving the complaint.~~
- ~~B. **Investigation**—The Title IX Coordinator, or designated investigator, shall ordinarily complete the investigation (i.e., collect relevant evidence that is not otherwise impermissible) within thirty (30) days of the Title IX Coordinator determining the charges require investigation. If, however, the Title IX Coordinator, or designated investigator, determines that the investigation is going to take longer, the Title IX Coordinator will so notify the parties and the Superintendent and will thereafter keep the parties informed of the status of the matter on a regular basis. Once the Title IX Coordinator, or designated investigator, provides the parties with “access” to either the relevant and not otherwise impermissible evidence and/or an accurate description of the evidence, the parties will have five (5) days to respond to the evidence or the description of the evidence unless the Title IX Coordinator approves a party’s written request for more time. If the Title IX Coordinator approves such a request, both parties will be afforded an equal amount of time to submit their response.~~
- ~~C. **Determination**—After the parties either submit responses to the evidence/description of the evidence, or the deadline for submitting such responses expires, the Title IX Coordinator, or designated decisionmaker, will consider the relevant and otherwise not impermissible evidence and issue a determination as to whether sex discrimination occurred. The determination shall be issued within ten (10) days of the deadline for the parties to submit responses to the evidence/description of the evidence unless the Title IX Coordinator approves an extension of time, which must be communicated in writing to the parties.~~
- ~~D. **Appeal**—A party filing an appeal of the Title IX Coordinator’s decision to dismiss a complaint, or the Determination, must do so within five (5) days of receiving the Dismissal or Determination.~~

~~The Title IX Coordinator, or the Superintendent if the Title IX Coordinator is the individual requesting an extension, may approve reasonable extensions of the preceding timeframes on a case-by-case basis for good cause with notice to the parties.~~

~~The District will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consulting with their family members, confidential resources, or advisors; or otherwise preparing for or participating in the grievance procedures. The parties shall not engage in retaliation, including against witnesses.~~

~~The Title IX Coordinator, or designated decisionmaker, shall objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations shall not be based on a person’s status as a complainant, respondent, or witness.~~

~~The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the District to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:~~

- ~~A. evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;~~

- B. a party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness unless the District obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- C. evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent shall not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude a determination that sex-based harassment occurred.

Notice of Allegations:

Upon initiation of the Board's grievance procedures, the Title IX Coordinator shall notify the parties of the following:

- A. the Board's Title IX grievance procedures and informal resolution process;
- B. sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- C. retaliation is prohibited; and
- D. the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. If the Title IX Coordinator, or designated investigator, provides the parties with a description of the evidence, any party may request access to the relevant and not otherwise impermissible evidence. The Title IX Coordinator will provide the requesting party with the relevant and not otherwise impermissible evidence in a timely manner.

Should the Title IX Coordinator decide, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, the Title IX Coordinator will provide a supplemental written notice describing the additional allegations to be investigated.

Dismissal of a Complaint:

The Title IX Coordinator may dismiss a complaint of sex discrimination if:

- A. the District is unable to identify the respondent after taking reasonable steps to do so;
- B. the respondent is not participating in the District's education program or activity and is not employed by the Board;
- C. the complainant voluntarily withdraws any or all the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the District determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- D. the District determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the Title IX Coordinator will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the Title IX Coordinator will promptly notify, in writing, the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator will also simultaneously notify, in writing, the respondent of the dismissal and the basis for the dismissal.

The Title IX Coordinator will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:

- A. procedural irregularity that would change the outcome;
- B. new evidence that would change the outcome and that was not reasonably available when the dismissal was made; and

- C. the Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, the Title IX Coordinator will:

- A. notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- B. implement appeal procedures equally for the parties;
- C. ensure that the appeal decisionmaker did not take part in an investigation of the allegations or dismissal of the complaint;
- D. ensure that the appeal decisionmaker has been trained consistent with the 2024 Title IX regulations Sec AG 2264;
- E. provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- F. notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, the Title IX Coordinator will, at a minimum:-

- A. offer supportive measures to the complainant as appropriate;
- B. if the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- C. take other prompt and effective steps, as appropriate, to ensure that sex discrimination does not continue or recur within the District's education program or activity.

Informal Resolution Process:

In lieu of resolving a complaint through the Board's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. The District will not offer an informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student, or when such a process would conflict with Federal, State, or local law.

Adding Allegations and/or Consolidating Complaints:

If, in the course of an investigation, the District decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the original Notice of Allegations provided or that are included in a complaint that is consolidated, the Title IX Coordinator will notify the parties of the additional allegations.

Investigation:

The District will provide for an adequate, reliable, and impartial investigation of complaints.

The burden is on the District—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

The Title IX Coordinator, or the designated investigator and/or decisionmaker, will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

The Title IX Coordinator, or the designated investigator and/or decisionmaker, will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

The District will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- A. the District will provide the parties with an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence;

If the Title IX Coordinator, or designated investigator, provides a description of the evidence, the Title IX Coordinator, or designated investigator, will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

- B. the District will provide a reasonable opportunity to the parties to respond to the evidence or the accurate description of the evidence; and
- C. the District will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

Questioning the Parties and Witnesses:

If the investigator and decisionmaker are two (2) separate individuals, the decisionmaker will have an opportunity to question the parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one (1) or more allegations of sex discrimination.

If the investigator and the decisionmaker are the same person, the decisionmaker will have an opportunity to question the parties and witnesses in individual meetings as part of the investigation.

Before concluding the Investigation, the investigator may allow each party to propose/submit in writing relevant questions that the party wants asked of any party or witness and the investigator will review any questions submitted by the parties and ask those questions of the specific party or witness that the investigator determines—in the investigator's sole discretion—may lead to probative evidence that will assist the decisionmaker in determining whether sex discrimination occurred. The investigator's decision to ask or not ask a specific question proposed by a party is not subject to review. Any questions asked must be relevant and not otherwise impermissible.

After the parties have an opportunity to review the relevant and not otherwise impermissible evidence, or an accurate description of this evidence, the decisionmaker may allow each party to propose/submit in writing relevant questions that the party wants asked of any party or witness and the decisionmaker will review any relevant and not otherwise impermissible questions submitted by the parties and ask those questions of the specific party or witness that the decisionmaker determines—in the decisionmaker's sole discretion—may lead to probative evidence that will assist the decisionmaker in determining whether sex discrimination occurred. The decisionmaker's decision to ask or not ask a specific question proposed by a party is not subject to review. Any questions asked must be relevant and not otherwise impermissible.

Determination of Whether Sex Discrimination Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the Title IX Coordinator or designated decisionmaker will:

- A. Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. This standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker, applying the applicable standard, is not persuaded by the relevant and not otherwise impermissible evidence that sex discrimination occurred, regardless of the quantity of the evidence, the decisionmaker will not determine that sex discrimination occurred.
- B. Notify the parties, in writing, of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal.
- C. Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.
- D. If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
 - 1. coordinate the provision and implementation of remedies to a complainant and other people the District identifies as having had equal access to the District's education program or activity limited or denied by sex discrimination;
 - 2. coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and

3. take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the District's education program or activity.
- E. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
 - F. Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination of whether sex discrimination occurred.

Appeal of Determinations:

If a party disagrees with the decisionmaker's determination as to whether sex discrimination occurred, the party may file an appeal. Appeals must be submitted, in writing, within five (5) days of the appealing party's receipt of the Determination.

A party may appeal a Determination on the following bases:

- A. procedural irregularity that would change the outcome;
- B. new evidence that would change the outcome and that was not reasonably available when the Determination was made; and
- C. the Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

The complainant may not challenge the ultimate disciplinary sanction/consequence that is imposed.

If a party appeals the decisionmaker's determination, the Title IX Coordinator will:

- A. notify the parties of any appeal;
- B. implement appeal procedures equally for the parties;
- C. designate an appeal decisionmaker, who will be a person who did not conduct the Investigation or render the Determination, and is appropriately trained, as set forth in AG 2264:
 1. the Title IX Coordinator will designate the Superintendent to be the appeal decisionmaker, provided the Superintendent has not been otherwise involved in the grievance procedures (i.e., did not serve as the investigator, decisionmaker, or informal resolution process facilitator) and is appropriately trained;
 2. provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the decisionmaker's determination;
 3. provide the appeal decisionmaker with the relevant and not otherwise impermissible evidence along with the accurate description of the relevant evidence (if one was prepared and shared with the parties), any responses the parties submitted to the investigator related to the evidence and/or the description of the evidence (if one was prepared), and the decisionmaker's determination; and
 4. notify the parties, in writing, of the result of the appeal and the appeal decisionmaker's rationale for the outcome.

Parties Provided a Reasonable and Equal Opportunity to Make a Statement in Support of, or Challenging, the Determination

When a party files an appeal, the party must set forth the reason for the appeal, and the other party will have five (5) days to provide the appeal decisionmaker with a statement in support of their position. Once the decisionmaker receives the statement (or the deadline for filing such a statement expires), the appeal decisionmaker will have ten (10) days to issue a decision on the appeal.

No new or additional evidence may be submitted during the appeal process.

The appeal decisionmaker shall determine the outcome of the appeal based on the appeal decisionmaker's independent review of the record (i.e., the relevant and not otherwise impermissible evidence, the feedback the parties provided to the investigator and/or decisionmaker based on their review of the relevant evidence and any description of the relevant evidence that was prepared and shared with the parties, and the decisionmaker's written determination) and the appeal decisionmaker's application of the law and Board policy to the facts in the record. The appeal decisionmaker must give due

deference and due weight to the decisionmaker's factual findings and credibility determinations and should not overturn them unless non-testimonial extrinsic evidence in the record justifies a contrary conclusion or unless the record read in its entirety compels a contrary conclusion. Generally, the appeal decisionmaker is expected to uphold the decisionmaker's determination unless the appeal decisionmaker determines the decisionmaker's determination is unlawful, unreasonable, or against the manifest weight of the evidence. Every reasonable presumption must be made in favor of the decisionmaker's determination.

The appeal decisionmaker shall simultaneously notify the parties, in writing, of the result of the appeal and the rationale for the outcome.

Supportive Measures:

The District will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the District's education program or activity or provide support during the Board's grievance procedures or during the informal resolution process. For allegations of sex discrimination other than sex-based harassment or retaliation, the District's provision of support measures does not require the District, Board employees, or any other person authorized to provide aid, benefit, or service on the District's behalf to alter the alleged discriminatory conduct for the purpose of providing a supportive measure.

The Title IX Coordinator shall determine appropriate supportive measures on a case-by-case basis. Supportive measures may vary depending on what the Title IX Coordinator deems to be reasonably available. Supportive measures may include, but are not limited to: counseling; extensions of deadlines or other course-related adjustments; school/campus escort services; increased security and monitoring of certain areas of the campus (including school buildings and facilities); restrictions on contact between the parties; leaves of absence; changes in class, work, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; training and education programs related to sex-based harassment; referral to Employee Assistance Program; and other similar measures.

Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties and/or the District's educational environment, or to provide support during the Board's grievance procedures or the informal resolution process.

The District will not impose such measures for punitive or disciplinary reasons.

The Title IX Coordinator may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures, or at the conclusion of the informal resolution process, or the District may continue them beyond that point.

The District will provide a complainant or respondent with a timely opportunity to seek, from an appropriate and impartial employee, modification or reversal of the Title IX Coordinator's decision to provide, deny, modify, or terminate supportive measures applicable to them. The impartial employee must be someone other than the employee who made the challenged decision and must have authority to modify or reverse the decision if the impartial employee determines that the decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive measures as set forth in the Key Definitions section of this policy.

A party may seek additional modification or termination of a supportive measure applicable to them if circumstances change materially.

The District will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the District's education program or activity, or as otherwise permitted pursuant to the 2024 Title IX regulations.

If the complainant or respondent is an elementary or secondary student with a disability, the Title IX Coordinator shall consult with one (1) or more members, as appropriate, of the student's Individualized Education Program (IEP) team, if any, or one (1) or more members, as appropriate, of the student's Section 504 team, if any, to determine how to comply with the requirements of the IDEA and/or Section 504, in the implementation of supportive measures.

The Superintendent may place an employee respondent on administrative leave from employment responsibilities during the pendency of the Board's grievance procedures.

Disciplinary Sanctions and Remedies:

Following a determination that sex-based harassment occurred, the District may impose disciplinary sanctions, which may include:

~~For Students-~~

A. ~~Informal Discipline~~

- ~~1. writing assignments;~~
- ~~2. changing of seating or location;~~
- ~~3. lunchtime, after school detention;~~
- ~~4. in school discipline;~~
- ~~5. Saturday school.~~

B. ~~Formal Discipline~~

- ~~1. suspension of bus riding/transportation privileges;~~
- ~~2. removal from co-curricular and/or extracurricular activity(ies), including athletics;~~
- ~~3. emergency removal;~~
- ~~4. suspension for up to ten (10) school days;~~
- ~~5. expulsion for up to eighty (80) school days or the number of school days remaining in a semester, whichever is greater;~~
- ~~6. expulsion for up to one (1) year;~~
- ~~7. permanent exclusion; and~~
- ~~8. any other sanction authorized by the Student Code of Conduct.~~

~~For Employees-~~

A. ~~oral or written warning;~~

B. ~~written reprimands;~~

C. ~~required counseling;~~

D. ~~required training or education;~~

E. ~~demotion;~~

F. ~~suspension with pay;~~

G. ~~suspension without pay;~~

H. ~~termination and any other sanction authorized by any applicable Board Policy, Employee/Administrator Handbook, and/or collective bargaining agreement.~~

~~The District may also provide remedies which may include disciplinary sanctions/consequences. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation and implement appropriate remedies in compliance with applicable due process procedures, whether statutory or contractual.~~

~~With respect to student respondents, the Title IX Coordinator will notify the Superintendent of the recommended remedies (including disciplinary sanctions/consequences), so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with Policy 5600—Student Discipline, Policy 5605—Suspension/Expulsion of Students with Disabilities, Policy 5610—Emergency Removal, Suspension, Expulsion, and Permanent Exclusion of Students, Policy 5610.02—In School Discipline, and Policy 5611—Due Process Rights. Discipline of~~

a student respondent must comply with the applicable provisions of the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972 ("Section 504"), and their respective implementing regulations.

Discipline of an employee will be implemented in accordance with Federal and State law, Board policy, and applicable provisions of any relevant collective bargaining agreement.

Retaliation

Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including initiating a disciplinary process against a person for a code of conduct violation that does not involve sex discrimination but arises out of the same facts and circumstances as a complaint or information reported about possible sex discrimination, for the purpose of interfering with the exercise of any right or privilege secured by Title IX constitutes retaliation. Peer retaliation is also prohibited. Retaliation against a person for making a complaint or participating in an investigation is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Complaints alleging retaliation may be filed according to the grievance procedures set forth above. The District shall initiate its grievance procedures upon receiving any complaint alleging retaliation.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination that sex discrimination occurred, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Confidentiality

The District will keep confidential the identity of any individual who has made a complaint of sex discrimination, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. part 99, or as required by law, or to carry out the purposes of 34 C.F.R. part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the District's obligation to maintain confidentiality shall not impair or otherwise affect the complainant's and respondent's receipt of the information to which they are entitled related to the investigation and determination of whether sex discrimination occurred).

Application of the First Amendment

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution. In no case will a respondent be found to have committed sex discrimination based on expressive conduct that is protected by the First Amendment.

Training

All employees, investigators, decisionmakers, facilitators of informal resolution process, the Title IX Coordinator(s) and designees, and other persons who are responsible for implementing the Board's grievance procedures or have the authority to modify or terminate supportive measures shall receive training related to their duties under Title IX and this Policy. The training shall be provided promptly upon hiring or change of position that alters their duties under Title IX or this policy, and annually thereafter. The training shall not rely on sex stereotypes.

Training materials must be made available for inspection upon request by members of the public.

Recordkeeping

The District shall maintain for a period of seven (7) calendar years the following records:

- A. for each complaint of sex discrimination, records documenting the informal resolution process and/or the grievance procedures followed and the resulting outcome;
- B. for each notification that the Title IX Coordinator receives of information about conduct that reasonably may constitute sex discrimination under Title IX, including notifications under 34 C.F.R. § 106.44(c)(1) or (2), records

documenting the actions the District took to meet its obligations under 34 C.F.R. §106.44; and

- C. all materials used to provide the required training.

Outside Appointments, Dual Appointments, and Delegations

The Board retains discretion to appoint suitably qualified persons who are not Board employees to fulfill any function of the Board under this policy including, but not limited to, Title IX Coordinator, investigator, decisionmaker, appeal decisionmaker, or facilitator of the informal resolution process.

The Board also retains discretion to appoint two (2) or more persons to jointly fulfill the role of Title IX Coordinator, investigator, decisionmaker, appeal decisionmaker, and facilitator of the informal resolution process.

The Superintendent may delegate functions assigned to a specific Board employee under this policy including, but not limited to, the functions assigned to the Title IX Coordinator, investigator, decisionmaker, appeal decisionmaker, and facilitator of the informal resolution process to any suitably qualified individual and such delegation may be rescinded by the Superintendent at any time.

Discretion in Application

The Board retains discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if the Board's interpretation or application differs from the interpretation of any specific complainant and/or respondent.

Despite the Board's reasonable efforts to anticipate all eventualities in drafting this policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the Board retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this policy are not contractual in nature, whether in their own right or as part of any other express or implied contract. Accordingly, the Board retains discretion to revise this policy at any time, and for any reason. The Board may apply policy revisions to an active case provided that doing so is not clearly unreasonable.

T.C. 9/3/24

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Legal	20 U.S.C. 1092(F)(6)(A)(v)
	20 U.S.C. 1232g
	20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA)
	20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972 (Title IX)
	29 C.F.R. Part 1636
	34 C.F.R. Part 99
	34 C.F.R. Part 106
	34 U.S.C. 12291(a)(8)
	34 U.S.C. 12291(a)(10)
	34 U.S.C. 12291(a)(30)
	42 U.S.C. 1983
	42 U.S.C. 2000c et seq., Title IV of the Civil Rights Act of 1964
	42 U.S.C. 2000d et seq.
	42 U.S.C. 2000e et seq.
	42 U.S.C. 2000gg
	OCR's Revised Sexual Harassment Guidance (2001)

Book	Policy Manual
Section	Pending Board Approval
Title	NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES
Code	po2266
Status	
Adopted	September 23, 2020
Last Revised	September 3, 2024

2266 - NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES (The Board's Policy and Grievance Procedures for Responding to Sexual Harassment Alleged to Have Occurred Prior to 8/1/2024)

~~Effective August 1, 2024, this policy shall only pertain to Reports or Formal Complaints of Sexual Harassment that are based on conduct alleged to have occurred on or before July 31, 2024.~~

Introduction

The Board of Education of Lake Orion Community Schools (hereinafter referred to as "the Board" or "the District") does not discriminate on the basis of sex (including sexual orientation or gender identity), in its education programs or activities, and is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The Board is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.

The Board prohibits Sexual Harassment that occurs within its education programs and activities. When the District has actual knowledge of Sexual Harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.

Pursuant to its Title IX obligations, the Board is committed to eliminating Sexual Harassment and will take appropriate action when an individual is determined responsible for violating this policy. Board employees, students, third-party vendors and contractors, guests, and other members of the School District community who commit Sexual Harassment are subject to the full range of disciplinary sanctions set forth in this policy. The Board will provide persons who have experienced Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to the District's education programs and activities.

Coverage

This policy applies to Sexual Harassment that occurs within the District's education programs and activities and that is committed by a member of the School District community or a Third Party.

This policy does not apply to Sexual Harassment that occurs off school grounds, in a private setting, and outside the scope of the District's education programs and activities; such Sexual Misconduct/Sexual Activity may be prohibited by the Student Code of Conduct if committed by a student, or by Board policies and administrative guidelines, applicable State and/or Federal laws and/or Employee/Administrator Handbook(s) if committed by a Board employee.

Consistent with the U.S. Department of Education's implementing regulations for Title IX, this policy does not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States, even if the Sexual Harassment occurs in the District's education programs or activities. Sexual Harassment that occurs outside the geographic boundaries of the United States is governed by the Student Code of Conduct if committed by a student, or by Board policies and administrative guidelines, applicable State and/or Federal laws and/or Employee/Administrator Handbook(s) if committed by a Board employee.

Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Sexual Harassment: "Sexual Harassment" means conduct on the basis of sex that satisfies one or more of the following:

- A. A Board employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (often called "*quid pro quo*" harassment);
- B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
- C. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)A(v), or "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

"Sexual assault" means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent, and the "nonforcible" sex offenses of Incest and Statutory Rape. Sexual assault includes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape.

1. *Rape* is the carnal knowledge of a person (i.e., penetration, no matter how slight, of the genital or anal opening of a person), without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 2. *Sodomy* is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 3. *Sexual Assault with an Object* is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.
 4. *Fondling* is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 5. *Incest* is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by State law.
 6. *Statutory Rape* is sexual intercourse with a person who is under the statutory age of consent as defined by State law.
 7. *Consent* refers to words or actions that a reasonable person would understand as agreement to engage in the sexual conduct at issue. A person may be incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. A person who is incapacitated is not capable of giving consent.
 8. *Incapacitated* refers to the state where a person does not understand and/or appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition, disability, or due to a state of unconsciousness or sleep.
- D. "Domestic violence" includes felony or misdemeanor crimes of violence committed by:
1. a current or former spouse or intimate partner of the victim;
 2. a person with whom the victim shares a child in common;
 3. a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
 4. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred; or

5. any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurred.

E. "Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

F. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.

Complainant: "Complainant" means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.

Respondent: "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

Formal Complaint: "Formal Complaint" means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the District investigate the allegation(s) of Sexual Harassment. At the time of filing a Formal Complaint with the District, a Complainant must be participating in or attempting to participate in the District's education program or activity. A "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal that the Board provides for this purpose) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or a party to the Formal Complaint and must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Actual Knowledge: "Actual knowledge" means notice of Sexual Harassment or allegations of Sexual Harassment to the District's Title IX Coordinator, or any District official who has authority to institute corrective measures on behalf of the Board, or any Board employee. The mere ability or obligation to report Sexual Harassment or to inform a student about how to report Sexual Harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the District. "Notice" includes, but is not limited to, a report of Sexual Harassment to the Title IX Coordinator. This standard is not met when the only District official with actual knowledge is the Respondent.

Supportive Measures: "Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter Sexual Harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, school/campus escort services, mutual restrictions of contact between the parties, changes in work locations), leaves of absence, increased security and monitoring of certain areas of the campus (including school buildings and facilities), referral to Employee Assistance Program, and other similar measures.

Education Program or Activity: "Education program or activity" refers to all operations of the District, including but not limited to in-person and online educational instruction, employment, extracurricular activities, athletics, performances, and community engagement and outreach programs. The term applies to all activity that occurs on school grounds or on other property owned or occupied by the Board. It also includes locations, events and circumstances that take place off-school property/grounds over which the Board exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs.

School District community: "School District community" refers to students and Board employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties: "Third Parties" include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

Inculpatory Evidence: "Inculpatory evidence" is evidence that tends to establish a Respondent's responsibility for alleged Sexual Harassment.

Exculpatory Evidence: "Exculpatory evidence" is evidence that tends to clear or excuse a Respondent from allegations of Sexual Harassment.

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

Eligible Student: "Eligible Student" means a student who has reached eighteen (18) years of age or is attending an institution of postsecondary education.

Title IX Coordinator(s)

The Board of Education designates and authorizes the following individual(s) to oversee and coordinate its efforts to comply with Title IX and its implementing regulations:

Adam Weldon
Assistant Superintendent of Human Resources
248-693-5400
315 N. Lapeer Street
Lake Orion, MI 48362
adam.weldon@lok12.org

Andrea Curtis
Assistant Superintendent of Business & Finance
248-693-5400
315 N. Lapeer Street
Lake Orion, MI 48362
andrea.curtis@lok12.org

The Title IX Coordinator shall report directly to the Superintendent. Questions about this policy should be directed to the Title IX Coordinator.

The Superintendent shall notify applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, Board employees, and all unions or professional organizations holding collective bargaining or professional agreements with the Board of the following information:

The Board of Education of Lake Orion Community Schools does not discriminate on the basis of sex in its education program or activity, and is required by Title IX and its implementing regulations not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The District's Title IX Coordinator(s) is/are:

Adam Weldon
Assistant Superintendent of Human Resources
248-693-5400
315 N. Lapeer Street
Lake Orion, MI 48362
adam.weldon@lok12.org

Andrea Curtis
Assistant Superintendent of Business & Finance
248-693-5400
315 N. Lapeer Street
Lake Orion, MI 48362
andrea.curtis@lok12.org

Any inquiries about the application of Title IX and its implementing regulations to the District may be referred to the Title IX Coordinator(s), the Assistant Secretary for the U.S. Department of Education's Office for Civil Rights, or both.

The Board has adopted a grievance process that provide for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by Title IX and/or its implementing regulations. The grievance process is included in Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities. The grievance process specifically addresses how to report or file a complaint of sex discrimination, how to report or file a formal complaint of Sexual Harassment, and how the District will respond.

The Superintendent shall also prominently display the Title IX Coordinator's(s') contact information – including name(s) and/or title(s), phone number(s), office address(es), and e-mail address(es) – and this policy on the District's website and in each handbook or catalog that the Board makes available to applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, Board employees, and all unions or professional organizations holding collective bargaining or professional agreements.

Grievance Process

The Board is committed to promptly and equitably resolving student and employee complaints alleging Sexual Harassment. The District's response to allegations of Sexual Harassment will treat Complainants and Respondents equitably, including providing supportive measures to the Complainant and Respondent, as appropriate, and following this Grievance Process before the imposition of any disciplinary sanctions or other actions, other than supportive measures, against the Respondent.

The Title IX Coordinator(s), along with any investigator(s), decision-maker(s), or any person(s) designated to facilitate an informal resolution process, shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

If a determination of responsibility for Sexual Harassment is made against the Respondent, the Board will provide remedies to the Complainant. The remedies will be designed to restore or preserve equal access to the District's education program or activity. Potential remedies include, but are not limited to, individualized services that constitute supportive measures. Remedies may also be disciplinary or punitive in nature and may burden the Respondent.

Report of Sexual Discrimination/Harassment

Any person may report sex discrimination, including Sexual Harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or Sexual Harassment), in person, by mail, by telephone, or by electronic mail, using the Title IX Coordinator's(s') contact information listed above, or by any other means that results in the Title IX Coordinator receiving the person's oral or written report. Reports may be made at any time (including during non-business hours), by using the telephone number(s) or electronic mail address(es), or by mail to the office address(es), listed for the Title IX Coordinator(s). Anonymous reports may be submitted.

Board employees are required, and students, Board members, other members of the School District community, and Third Parties) are encouraged, to report allegations of sex discrimination or Sexual Harassment promptly to the/a Title IX Coordinator or to any Board employee, who will, in turn, notify the/a Title IX Coordinator. Reports can be made orally or in writing and should be as specific as possible. The person making the report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

If a report involves allegations of Sexual Harassment by or involving the Title IX Coordinator, the person making the report should submit it to the Superintendent, or another Board employee who, in turn, will notify the Superintendent of the report. The Superintendent will then serve in place of the Title IX Coordinator for purposes of addressing that report of Sexual Harassment.

The Board does business with various vendors, contractors, and other Third Parties who are not students or employees of the Board. Notwithstanding any rights that a given vendor, contractor, or third-party Respondent may have under this policy, the Board retains the right to limit any vendor's, contractor's, or third-party's access to school grounds for any reason. The Board further retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or Third Party irrespective of any process or outcome under this policy.

A person may file criminal charges simultaneously with filing a Formal Complaint. A person does not need to wait until the Title IX investigation is completed before filing a criminal complaint. Likewise, questions or complaints relating to Title IX may be filed with the U.S. Department of Education's Office for Civil Rights at any time.

Any allegations of Sexual Misconduct/Sexual Activity not involving Sexual Harassment will be addressed through the procedures outlined in Board policies and/or administrative guidelines, the applicable Student Code of Conduct, applicable collective bargaining agreement, and/or Employee/Administrator Handbook.

Because the Board is considered to have actual knowledge of Sexual Harassment or allegations of Sexual Harassment if any Board employee has such knowledge, and because the Board must take specific actions when it has notice of Sexual Harassment or allegations of Sexual Harassment, a Board employee who has independent knowledge of or receives a report involving allegations of sex discrimination and/or Sexual Harassment must notify the/a Title IX Coordinator within two (2) days of learning the information or receiving the report. The Board employee must also comply with mandatory reporting responsibilities pursuant to M.C.L. 722.623 and Policy 8462 – Student Abuse and Neglect, if applicable. If the Board

employee's knowledge is based on another individual bringing the information to the Board employee's attention and the reporting individual submitted a written complaint to the Board employee, the Board employee must provide the written complaint to the Title IX Coordinator.

If a Board employee fails to report an incident of Sexual Harassment of which the Board employee is aware, the Board employee may be subject to disciplinary action, up to and including termination.

When a report of Sexual Harassment is made, the Title IX Coordinator shall promptly (i.e., within two (2) days of the Title IX Coordinator's receipt of the report of Sexual Harassment) contact the Complainant (including the parent/guardian if the Complainant is under 18 years of age or under guardianship) to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the Complainant or Respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the District to provide the supportive measures.

Emergency Removal: Subject to limitations and/or procedures imposed by State and/or Federal law, the Title IX Coordinator may remove a student Respondent from its education program or activity on an emergency basis after conducting an individualized safety and risk analysis. The purpose of the individualized safety and risk analysis are to determine whether the student Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment that justifies removal. If the District determines the student Respondent poses such a threat, it will so notify the student Respondent and the student Respondent will have an opportunity to challenge the decision immediately following the removal. See Policy 5610 – Emergency Removal, Suspension, and Expulsion of Students and Policy 5611 – Due Process Rights.

If the Respondent is a non-student employee, the District may place the Respondent on administrative leave during the pendency of the grievance process.

For all other Respondents, including other members of the School District community and Third Parties, the Board retains broad discretion to prohibit such persons from entering onto its school grounds and other properties at any time and for any reason, whether after receiving a report of Sexual Harassment or otherwise.

Formal Complaint of Sexual Harassment

A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information set forth above.

When the Title IX Coordinator receives a Formal Complaint or signs a Formal Complaint, the District will follow its Grievance Process, as set forth herein. Specifically, the District will undertake an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

It is a violation of this policy for a Complainant(s), Respondent(s), and/or witness(es) to knowingly making false statements or knowingly submitting false information during the grievance process, including intentionally making a false report of Sexual Harassment or submitting a false Formal Complaint. The Board will not tolerate such conduct, which is a violation of the Student Code of Conduct and the Employee/Administrator Handbook.

The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Timeline

The District will seek to conclude the grievance process within sixty (60) days of receipt of the Formal Complaint.

If the Title IX Coordinator offers informal resolution processes, the informal resolution processes may not be used by the Complainant or Respondent to unduly delay the investigation and determination of responsibility. The timeline, however, may be subject to a temporary delay of the grievance process or a limited extension for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; and the need for language assistance or accommodation of disabilities. The Title IX Coordinator will provide the parties with reasonable updates on the status of the grievance process.

Upon receipt of a Formal Complaint, the Title IX Coordinator will provide written notice of the following to the parties who are known:

- A. Notice of the Board's grievance process, including any informal resolution processes;
- B. Notice of the allegations of misconduct that potentially constitutes Sexual Harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident, if known. The written notice must:
 - 1. include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
 - 2. inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.
 - 3. inform the parties of any provision in the Student Code of Conduct, this policy, and/or Employee/Administrator Handbook that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, during the course of the investigation, the investigator becomes aware of allegations about the Complainant or Respondent that are not included in the original notice provided to the parties, the investigator will notify the Title IX Coordinator and the Title IX Coordinator will decide whether the investigator should investigate the additional allegations; if the Title IX Coordinator decides to include the new allegations as part of the investigation, the Title IX Coordinator will provide notice of the additional allegations to the parties whose identities are known.

Dismissal of a Formal Complaint

The District shall investigate the allegations in a Formal Complaint, *unless* the conduct alleged in the Formal Complaint:

- A. would not constitute Sexual Harassment (as defined in this policy) even if proved;
- B. did not occur in the District's education program or activity; or
- C. did not occur against a person in the United States.

If one of the preceding circumstances exist, the Title IX Coordinator *shall* dismiss the Formal Complaint. If the Title IX Coordinator dismisses the Formal Complaint due to one of the preceding reasons, the District may still investigate and take action with respect to such alleged misconduct pursuant to another provision of an applicable code of conduct, Board policy, and/or Employee/Administrator Handbook.

The Title IX Coordinator *may* dismiss a Formal Complaint, or any allegations therein, if at any time during the investigation:

- A. a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- B. the Respondent is no longer enrolled in the District or employed by the Board; or
- C. specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

If the Title IX Coordinator dismisses a Formal Complaint or allegations therein, the Title IX Coordinator must promptly send written notice of the dismissal and the reason(s) therefore simultaneously to the parties.

Consolidation of Formal Complaints

The Title IX Coordinator may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances.

Where a grievance process involves more than one Complainant or more than one Respondent, references in this policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable.

Informal Resolution Process

Under no circumstances shall a Complainant be required as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, to waive any right to an investigation and adjudication of a Formal Complaint of Sexual Harassment. Similarly, no party shall be required to participate in an informal resolution process.

If a Formal Complaint is filed, the Title IX Coordinator may offer to the parties an informal resolution process. If the parties mutually agree to participate in the informal resolution process, the Title IX Coordinator shall designate a trained individual to facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. The informal resolution process may be used at any time prior to the decision-maker(s) reaching a determination regarding responsibility.

If the Title IX Coordinator is going to propose an informal resolution process, the Title IX Coordinator shall provide to the parties a written notice disclosing:

- A. the allegations;
- B. the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations; and
- C. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint.

Before commencing the informal resolution process, the Title IX Coordinator shall obtain from the parties their voluntary, written consent to the informal resolution process.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur have stayed and all related deadlines are suspended.

The informal resolution process is not available to resolve allegations that a Board employee or another adult member of the School District community or Third Party sexually harassed a student.

The informal resolution process is not available to resolve allegations involving a sexual assault involving a student Complainant and a student Respondent.

Investigation of a Formal Complaint of Sexual Harassment

In conducting the investigation of a Formal Complaint and throughout the grievance process, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility is on the District, not the parties.

In making the determination of responsibility, the decision-maker(s) is(are) directed to use the preponderance of the evidence standard. The decision-maker(s) is charged with considering the totality of all available evidence, from all relevant sources.

The District is not permitted to access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party provides the District with voluntary, written consent to do so; if a student party is not an Eligible Student, the District must obtain the voluntary, written consent of a parent.

Similarly, the investigator(s) and decision-maker(s) may not require, allow, rely upon or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege in writing.

As part of the investigation, the parties have the right to:

- A. present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
- B. have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The District may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting

or grievance proceeding.

Neither party shall be restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence.

The District will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. The investigator(s) and decision-maker(s) must provide a minimum of one (1) day notice with respect to investigative interviews and other meetings and three (3) days' notice with respect to hearings.

Both parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

Prior to completion of the investigative report, the investigator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report.

At the conclusion of the investigation, the investigator shall create an investigative report that fairly summarizes relevant evidence and send the report to each party and the party's advisor, if any, for their review and written response. The investigator will send the investigative report in an electronic format or a hard copy, at least ten (10) calendar days prior to the decision-maker(s) issuing a determination regarding responsibility.

Determination of Responsibility

The Title IX Coordinator shall appoint a decision-maker(s) to issue a determination of responsibility. The decision-maker(s) cannot be the same person(s) as the Title IX Coordinator(s) or the investigator(s).

After the investigator sends the investigative report to the parties and the decision-maker(s), and before the decision-maker(s) reaches a determination regarding responsibility, the decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Determination regarding responsibility: The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker(s) must apply the preponderance of the evidence standard.

The written determination will include the following content:

- A. identification of the allegations potentially constituting Sexual Harassment pursuant to this policy;
- B. a description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, [and] methods used to gather other evidence;
- C. findings of fact supporting the determination;
- D. Conclusions regarding the application of the applicable code of conduct to the facts;
- E. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the decision-maker(s) is recommending that the District impose on the Respondent(s), and whether remedies designed to restore or preserve equal access to the District's education program or activity should be provided by the District to the Complainant(s); and
- F. the procedures and permissible bases for the Complainant(s) and Respondent(s) to appeal.

The following disciplinary sanctions/consequences may be imposed on a student Respondent who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

A. Informal Discipline

1. writing assignments;
2. changing of seating or location;
3. lunchtime, after-school detention;
4. in-school discipline;
5. Saturday school;

B. Formal Discipline

1. suspension of bus riding/transportation privileges;
2. removal from co-curricular and/or extra-curricular activity(ies), including athletics;
3. emergency removal;
4. suspension for up to ten (10) school days;
5. long-term suspension or expulsion;
6. any other sanction authorized by the Student Code of Conduct.

If the decision-maker(s) determines the student Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with Policy 5600 – Student Discipline, Policy 5605 – Suspension/Expulsion of Students with Disabilities, Policy 5610 – Emergency Removal, Suspension, and Expulsion of Students, Policy 5610.02 - In-School Discipline, and Policy 5611 – Due Process Rights. Discipline of a student Respondent must comply with the applicable provisions of the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

The following disciplinary sanctions/consequences may be imposed on an employee Respondent who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

- A. oral or written warning;
- B. written reprimands;
- C. performance improvement plan;
- D. required counseling;
- E. required training or education;
- F. demotion;
- G. suspension with pay;
- H. suspension without pay;
- I. termination, and any other sanction authorized by any applicable Employee/Administrator Handbook and/or collective bargaining agreement.

If the decision-maker(s) determines the employee Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so an

authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with applicable due process procedures, whether statutory or contractual.

Discipline of an employee will be implemented in accordance with Federal and State law, Board policy, and applicable provisions of any relevant collective bargaining agreement.

The following disciplinary sanctions/consequences may be imposed on a non-student/non-employee member of the School District community or Third Party who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

- A. oral or written warning;
- B. suspension or termination/cancellation of the Board's contract with the third-party vendor or contractor;
- C. mandatory monitoring of the Third Party while on school property and/or while working/interacting with students;
- D. restriction/prohibition on the Third Party's ability to be on school property; and
- E. any combination of the same.

If the decision-maker(s) determines the third-party Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including imposition of sanctions. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so appropriate action can be taken.

The decision-maker(s) will provide the written determination to the Title IX Coordinator who will provide the written determination to the parties simultaneously.

In ultimately, imposing a disciplinary sanction/consequence, the Superintendent will consider the severity of the incident, previous disciplinary violations (if any), and any mitigating circumstances.

The District's resolution of a Formal Complaint ordinarily will not be impacted by the fact that criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

At any point in the grievance process, the Superintendent may involve local law enforcement and/or file criminal charges related to allegations of Sexual Harassment that involve a sexual assault.

The Title IX Coordinator is responsible for effective implementation of any remedies.

Appeal

Both parties have the right to file an appeal from a determination regarding responsibility, or from the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein, on the following bases:

- A. Procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures);
- B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- C. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant(s) or Respondent(s) that affected the outcome of the matter.

The Complainant(s) may not challenge the ultimate disciplinary sanction/consequence that is imposed.

Any party wishing to appeal the decision-maker(s)'s determination of responsibility, or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein, must submit a written appeal to the Title IX Coordinator within three (3) days after receipt of the decision-maker(s)'s determination of responsibility or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein.

Nothing herein shall prevent the Superintendent from implementing appropriate remedies, however, excluding disciplinary sanction, while the appeal is pending.

As to all appeals, the Title IX Coordinator will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

The decision-maker(s) for the appeal shall not be the same person(s) as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator(s). The decision-maker(s) for the appeal shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant(s) or Respondent(s) and shall receive the same training as required of other decision-makers.

Both parties shall have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

The parties' written statements in support of, or challenging, the determination of responsibility must be submitted within five (5) days after the Title IX Coordinator provides notice to the non-appealing party of the appeal.

The decision-maker(s) for the appeal shall issue a written decision describing the result of the appeal and the rationale for the result. The original decision-maker(s)' determination of responsibility will stand if the appeal request is not filed in a timely manner or the appealing party fails to show clear error and/or a compelling rationale for overturning or modifying the original determination. The written decision will be provided to the Title IX Coordinator who will provide it simultaneously to both parties. The written decision will be issued within five (5) days of when the parties' written statements were submitted.

The determination of responsibility associated with a Formal Complaint, including any recommendations for remedies/disciplinary sanctions, becomes final when the time for filing an appeal has passed or, if an appeal is filed, at the point when the decision-maker(s) for the appeal's decision is delivered to the Complainant and the Respondent. No further review beyond the appeal is permitted.

Retaliation

Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of Sexual Harassment, filing a Formal Complaint, or participating in an investigation, is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Complaints alleging retaliation may be filed according to the grievance process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Confidentiality

The District will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of Sexual Harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. part 99, or as required by law, or to carry out the purposes of 34 C.F.R. part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the District's obligation to maintain confidentiality shall not impair or otherwise affect the Complainant's and Respondent's receipt of the information to which they are entitled related to the investigative record and determination of responsibility).

Application of the First Amendment

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution. In no case will a Respondent be found to have committed Sexual Harassment based on expressive conduct that is protected by the First Amendment.

Training

The District's Title IX Coordinator, along with any investigator(s), decision-maker(s), or person(s) designated to facilitate an informal resolution process, must receive training on:

- A. the definition of Sexual Harassment (as that term is used in this policy);
- B. the scope of the District's education program or activity;
- C. how to conduct an investigation and implement the grievance process, appeals and informal resolution processes, as applicable; and
- D. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interests, and bias.

All Board employees will be trained concerning their legal obligation to report Sexual Harassment to the Title IX Coordinator. This training will include practical information about how to identify and report Sexual Harassment.

Recordkeeping

As part of its response to alleged violations of this policy, the District shall create, and maintain for a period of seven (7) calendar years, records of any actions, including any supportive measures, taken in response to a report or Formal Complaint of Sexual Harassment. In each instance, the District shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity. If the District does not provide a Complainant with supportive measures, then the District will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or detailing additional measures taken.

The District shall maintain for a period of seven (7) calendar years the following records:

- A. each Sexual Harassment investigation including any determination regarding responsibility, any disciplinary sanctions recommended and/or imposed on the Respondent(s), and any remedies provided to the Complainant(s) designed to restore or preserve equal access to the District's education program or activity
- B. any appeal and the result therefrom
- C. any informal resolution and the result therefrom, and
- D. all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

The District will make its training materials publicly available on its website.

Outside Appointments, Dual Appointments, and Delegations

The Board retains discretion to appoint suitably qualified persons who are not Board employees to fulfill any function of the Board under this policy, including, but not limited to, Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The Board also retains discretion to appoint two or more persons to jointly fulfill the role of Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The Superintendent may delegate functions assigned to a specific Board employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor, to any suitably qualified individual and such delegation may be rescinded by the Superintendent at any time.

Discretion in Application

The Board retains discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if the Board's interpretation or application differs from the interpretation of any specific Complainant and/or Respondent.

Despite the Board’s reasonable efforts to anticipate all eventualities in drafting this policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the Board retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this policy are not contractual in nature, whether in their own right, or as part of any other express or implied contract. Accordingly, the Board retains discretion to revise this policy at any time, and for any reason. The Board may apply policy revisions to an active case provided that doing so is not clearly unreasonable.

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T.C. 9/3/24

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Legal

20 U.S.C. 1092(F)(6)(A)(v)

20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA)

20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972 (Title IX)

34 C.F.R. Part 106

34 U.S.C. 12291(a)(8)

34 U.S.C. 12291(a)(10)

34 U.S.C. 12291(a)(30)

42 U.S.C. 1983

42 U.S.C. 2000c et seq., Title IV of the Civil Rights Act of 1964

42 U.S.C. 2000d et seq.

42 U.S.C. 2000e et seq.

OCR's Revised Sexual Harassment Guidance (2001)