

Subject: Michigan Local Policy Update

MICHIGAN LOCAL UPDATE OVERVIEW AND COMMENTS

VOLUME 40 NUMBER 1 AND VOLUME 40 NUMBER 1 - NONDISCRIMINATION

SEPTEMBER 2025

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 any 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:

- schedule an appointment date/time to review the update materials during an in-person conference;

- schedule/reschedule update or drafting visits for a later time;

- schedule an appointment date/time to review the update materials via a virtual meeting, such as Google Meet or other electronic options; or

- 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:

- materials from the District’s existing materials that the District requests be incorporated during the drafting process;

- new materials that the District develops in their entirety and exclusive of Neola; and

- 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.

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.

LEGAL ALERTS

Included with this update are four (4) legal alerts. These include:

03 - Legal Alert - 2025 COPPA Rule - Implications for K-12 Public Schools

04 - Legal Alert - DOJ Issues New Rule Concerning Web Content and Mobile App Accessibility

05 - Legal Alert - Supreme Court Decision Addresses Parental Opt-Out Rights in Public Schools

06 - Legal Alert - Update on Michigan Cellphone-in-Schools Legislation

BYLAWS AND POLICIES

Policy 2210 - Curriculum Development - Approved Courses (Revised)

This policy has been revised to reflect the latest changes to the Pupil Accounting Manual 2024-2025, Michigan Department of Education.

Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities (Revised)

A revision to this policy and AG is necessary because of June 23, 2025, the National Incident-Based

Reporting System ("NIBRS") definition of fondling changed. The term officially is "criminal sexual contact". The terms "sexual orientation and gender identity" have been retained in the parenthetical definition of "sex" in the policy since these protections have been required in Michigan by the Elliott-Larsen Civil Rights Act ("ELCRA") (Act 453 of 1976) (M.C.L. 37.2101 et. seq.) and specifically as amended by the Michigan Legislature in 2023. Neola recommends you discuss this issue with your local legal counsel before deciding to delete the language. It is critical that you consult with your local legal counsel if a situation arises involving an allegation of discrimination or harassment based upon sexual orientation or gender identity.

Additionally, the address of the USDOE Office for Civil Rights has been changed to the Washington, D.C. office.

Policy 2412 - Homebound Instruction Program (Revised)

This policy has been revised to reflect the latest changes to the Pupil Accounting Manual 2024-2025, Michigan Department of Education.

Policy 4162 - Controlled Substance and Alcohol Policy for Commercial Motor Vehicle ("CMV") Drivers and Other Employees Who Perform Safety-Sensitive Functions (Revised)

This policy has been revised to reflect the statutory and regulatory changes to the Return-to-Duty ("RTD") process as required by the Federal Motor Carrier Safety Administration ("FMCSA"), including evaluation by a qualified Substance Abuse Professional, education and/or treatment, and follow-up evaluation.

This revision should be adopted to maintain compliance with current requirements.

Policy 5120 - Assignment within District (Revised)

This policy has been revised in response to U. S. Department of Education's specific focus on Title VI and race in response to the United States Supreme Court's decision in Students for Fair Admissions v.

Harvard, which prohibits preferential treatment based on race in college admissions. The decision apparently extends to any program or hiring practice which provides preferential treatment to any protected class.

This revision 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 was issued as a Special Update in August 2025 and should be adopted by a district participating in the Universal FAFSA Challenge.

Policy 5517.01 - Bullying and Other Aggressive Behavior toward Students (Revised)

This policy was revised to include the definitions and additional components included in the latest version of the Michigan State Board of Education's Model Anti-Bullying Policy.

These suggested revisions should be considered for adoption.

Policy 7540.02 - Digital Content and Accessibility (Revised)

Revisions to this policy reflect the U.S. Department of Justice ("DOJ") final rule provisions under Title II of the Americans with Disabilities Act ("ADA") requiring state and local government entities — including public schools — to make web content and mobile applications accessible to individuals with disabilities.

Policy 7541 - Electronic Data Processing Disaster Recovery Plan (Rescind)

Provisions of this policy have been included in Policy 8300 - Continuity of Organizational Operations. There is no need for duplicity in the policy collection.

Policy 8300 - Continuity of Organizational Operations Plan (Revised)

This policy has been revised to include additional language and options regarding cybersecurity safeguards.

These revisions should be considered for adoption

Policy 8305 - Information Security (Revised)

This policy has been revised to include additional language and options regarding cybersecurity safeguards.

These revisions should be considered for adoption.

ADMINISTRATIVE GUIDELINES

AG 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities (Revised)

See note on Policy 2266.

AG 4162A - Alcohol and Controlled Substance Testing (Revised)

See note on Policy 4162.

AG 5120 - Assignment to School, Class, and Grade (Revised)

See note on Policy 5120.

AG 7540.02 - Functionality and Accessibility of Digital Content and Mobile Apps (Revised)

See note on Policy 7540.02.

AG 8300 - Continuity of Organizational Operations Plan (Replacement)

See note on Policy 8300.

AG 8305 - Collection, Classification, Retention, Access, and Security of District Data/Information (Revised)

See note on Policy 8305.

AG 8305A - Information Security Responsibilities (Revised)

See note on Policy 8305.

AG 8305B - Cybersecurity Event and Incident Management (Revised)

See note on Policy 8305.

AG 8305C - Notification of Cybersecurity Incident (Revised)

See note on Policy 8305.

COMMENTS

Reviewing Board Minutes

A feature of your subscription to the Update Service is the review of your District's Board minutes to identify action that results 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.

VOLUME 40 NUMBER 1 - NONDISCRIMINATION

This Nondiscrimination Revisions Update is being released simultaneously with the Volume 40, Number 1 update package. Largely at client request and in an attempt to streamline the complex collection of Nondiscrimination, Anti-Harassment, and related issues, several of the policies have been consolidated in order to provide a comprehensive approach to related employment issues. The definitions included are consistent with related policies (e.g., Title IX - Policy 2266), and the grievance process is designed to be consistent throughout the investigation, decision-making, and appeal stages. Adoption of Policy 1422/3122/4122 allows for the deletion/rescission of six (6) policies - Policy 1422.02/3122.02/4122.02 and Policy 1662/3362/4362. Similarly, the approval of AG 1422/3122/4122 allows for the deletion/rescission of three (3) Administrative Guidelines - AG 1622/3362/4362.

Also included in this update are the technical corrections to five (5) policies, correcting the address and contact information for the U.S. Department of Education, Office for Civil Rights, formerly referencing the Cleveland Office (now closed) to the Washington, D.C. office.

The Special Update includes fourteen (14) policies (three (3) replacement policies for adoption, six (6) policies for deletion/rescission, and five (5) policies with technical corrections), six (6) administrative guidelines (three (3) replacement AGs and three (3) AGs for deletion/rescission), and three (3) forms for use as official Notice and Statement of Nondiscrimination. These include:

BYLAWS AND POLICIES

Policy 1422/3122/4122 - Nondiscrimination, Equal Employment Opportunity, and Anti-Harassment (Replacement)

Policy 1422.02/3122.02/4122.02 - Nondiscrimination Based on Genetic Information of the Employee (Delete/Rescind)

Policy 1662/3362/4362 - Anti-Harassment (Delete/Rescind)

Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity

(Technical Correction)

Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability (Technical Correction)

Policy 1623/3123/4123 - Section 504/ADA Prohibition Against Disability Discrimination in Employment (Technical Correction)

ADMINISTRATIVE GUIDELINES

AG 1422/3122/4122 Nondiscrimination, Equal Employment Opportunity, and Anti-Harassment (Replacement)

AG 1662/3362/4362 - Anti-Harassment (Delete/Rescind)

FORMS

Form 1422F1/3122F1/4122F1 (Replacement)

These documents may be downloaded from the Local Policy Update and Local AG Update menus in your BoardDocs console. If you have questions about any of these Nondiscrimination materials, contact your Neola Associate.

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Cross References

01 - OVERVIEW - Vol. 40, No. 1 - September 2025 OVERVIEW

02 - Policy Disposition Sheet - Vol. 40, No. 1 - September 2025 Policy Disposition Sheet

03 - Legal Alert - Vol. 40, No. 1 - September 2025 - 2025 COPPA Rule - Implications for K-12 Public Schools

04 - Legal Alert - Vol. 40, No. 1 - September 2025 - DOJ Issues New Rule Concerning Web Content and Mobile App Accessibility

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06 - Legal Alert - Vol. 40, No. 1 - September 2025 - Update on Michigan Cellphone-in-Schools Legislation

po2210 - Vol. 40, No. 1 - September 2025 Revised CURRICULUM DEVELOPMENT - APPROVED COURSES

po2266 - Vol. 40, No. 1 - September 2025 Revised NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES

po2412 - Vol. 40, No. 1 - September 2025 Revised HOMEBOUND INSTRUCTION PROGRAM

po4162 - Vol. 40, No. 1 - September 2025 Revised CONTROLLED SUBSTANCE AND ALCOHOL POLICY FOR COMMERCIAL MOTOR VEHICLE ("CMV") DRIVERS AND OTHER EMPLOYEES WHO PERFORM SAFETY-SENSITIVE FUNCTIONS

po5120 - Vol. 40, No. 1 - September 2025 Revised ASSIGNMENT WITHIN DISTRICT

po5460 - Vol. 40, No. 1 - September 2025 Revised GRADUATION REQUIREMENTS

po5517.01 - Vol. 40, No. 1 - September 2025 Revised BULLYING AND OTHER AGGRESSIVE BEHAVIOR TOWARD STUDENTS

po7540.02 - Vol. 40, No. 1 - September 2025 Revised DIGITAL CONTENT AND ACCESSIBILITY

po7541 - Vol. 40, No. 1 - September 2025 Rescind ELECTRONIC DATA PROCESSING DISASTER RECOVERY PLAN

po8300 - Vol. 40, No. 1 - September 2025 Revised CONTINUITY OF ORGANIZATIONAL OPERATIONS PLAN

po8305 - Vol. 40, No. 1 - September 2025 Revised INFORMATION SECURITY

01 - OVERVIEW - Vol. 40, No. 1 - Nondiscrimination - September 2025 OVERVIEW

02 - Policy Disposition Sheet - Vol. 40, No. 1 - Nondiscrimination - September 2025 Policy Disposition Sheet

po1422 - Vol. 40, No. 1 - Nondiscrimination - September 2025 Replacement NONDISCRIMINATION, EQUAL EMPLOYMENT OPPORTUNITY, AND ANTI-HARASSMENT

po1422.02 - Vol. 40, No. 1 - Nondiscrimination - September 2025 Rescind NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE

po1623 - Vol. 40, No. 1 - Nondiscrimination - September 2025 Technical Correction SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

po1662 - Vol. 40, No. 1 - Nondiscrimination - September 2025 Rescind ANTI-HARASSMENT

po2260 - Vol. 40, No. 1 - Nondiscrimination - September 2025 Technical Correction NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY

po2260.01 - Vol. 40, No. 1 - Nondiscrimination - September 2025 Technical Correction SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY

po3122 - Vol. 40, No. 1 - Nondiscrimination - September 2025 Replacement NONDISCRIMINATION, EQUAL EMPLOYMENT OPPORTUNITY, AND ANTI-HARASSMENT

po3122.02 - Vol. 40, No. 1 - Nondiscrimination - September 2025 Rescind NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE

po3123 - Vol. 40, No. 1 - Nondiscrimination - September 2025 Technical Correction SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

po3362 - Vol. 40, No. 1 - Nondiscrimination - September 2025 Rescind ANTI-HARASSMENT

po4122 - Vol. 40, No. 1 - Nondiscrimination - September 2025 Replacement NONDISCRIMINATION, EQUAL EMPLOYMENT OPPORTUNITY, AND ANTI-HARASSMENT

po4122.02 - Vol. 40, No. 1 - Nondiscrimination - September 2025 Rescind NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE

po4123 - Vol. 40, No. 1 - Nondiscrimination - September 2025 Technical Correction SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

po4362 - Vol. 40, No. 1 - Nondiscrimination - September 2025 Rescind ANTI-HARASSMENT