



NEOLA of MICHIGAN
INTERMEDIATE SCHOOL DISTRICTS
TEMPLATES

UPDATE

VOLUME 33 NUMBER 2

February 2019


OVERVIEW AND COMMENTS

All production related materials and questions should be directed to the Coshocton Office at 632 Main Street, Coshocton, Ohio 43812 (phone 800-407-5815, fax 740-622-2557). Billing questions should be directed to the Stow Office at 3914 Clock Pointe Trail, Suite 103, Stow, Ohio 44224 (phone 330-926-0514, fax 330-926-0525).

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 (to add material) and crossed out (to delete material). As you review a revised policy or guideline, you may choose to accept one, 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 specific wording you want included in the replacement policy. If so, any wording from the current policy should be added using "Track Changes" or the editing tools in the BoardDocs platform in the replacement policy or guideline before returning it electronically to the Coshocton office for processing.



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If the District authors 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 deleted from the policy manual require Board action to rescind the policy.

Your Neola Associate will contact you in the near future to schedule an appointment to review this update and ensure you are current on this and previous updates.

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 “Track Changes” or 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.



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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 to, 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 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

- The Minimum Wage in Michigan will remain at \$9.25 on January 1, 2019. The minimum wage effective March 29, 2019, will increase to \$9.45.
- The Internal Revenue Service (IRS) issued Notice 2019-02 which provides the 2019 mileage rate at 58 cents per mile for business travel.
- 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):
 - o The Employee Polygraph Protection Act (EPPA)
 - o The Fair Labor Standards Act (FLSA) Minimum Wage Notification
 - o The Family and Medical Leave Act (FMLA)
 - o Uniformed Services Employment and Reemployment Rights Act (USERRA)
 - o Occupational Safety and Health Act (Workplace Safety)
 - o Whistleblower Protections



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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 Alert

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


1. The Legalization of Marijuana in Michigan and Applicable Neola Policies
2. Recent Legislative Changes
3. USDOE Releases Proposed Regulations Addressing Sexual Harassment Under Title IX
4. The Michigan Paid Medical Leave Act and Applicable NEOLA Policies

BYLAWS AND POLICIES

Bylaw 0100 – Definitions (Revised)

The Open Meetings Act was revised to accommodate the absence of any member of the Board of Education due to military duty and allow that member's participation in Board business (M.C.L. 15.263). The definition of Voting in PO 0100 was revised to reflect this change. The new law also requires that a District establish procedures by which the absent member may participate in and vote on business and procedures by which the public is provided notice of the member's absence and information on how to contact the member to provide input prior to the meeting. These procedures are District specific and should be established by the District prior to the March 29, 2019 effective date of the law.

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



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Bylaw 0167.2 – Closed Session (Revised)

This bylaw was revised to allow the Board to consider security planning to address existing or potential threats to the safety of students and staff in closed session (MCL 15.268(k)).

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

Policy 1422.01 – Drug-Free Workplace (New)

This new policy was prepared to provide the same policy requirements for administrators as is currently provided in Policy 3122.01/4122.01 for other employees.


This new policy reflects the current state of Federal law and should be adopted to be consistent with policy requirements of other District employees.

Policy 1430/3430/4430 – Leaves of Absence (New/Revised)

This new policy and revisions to existing templates are in response to recent legislation, the Paid Medical Leave Act (PMLA), signed into law by outgoing Governor Rick Snyder on December 13, 2018. The PMLA, formerly known as the "Earned Sick Time Act," requires employers to pay eligible employees for earned medical leave time, which may be used for personal or family health needs. The Act takes effect March 29, 2019.

Employers such as school districts are subject to PMLA only if they employ 50 or more individuals, regardless of the employees' full or part-time status or how many hours they work. The PMLA does not require that a school district implement a Board-adopted policy, but it does require compliance with the terms of the Act. Since each district will have different preferences with respect to implementing the Act, districts should assess their needs and preferences and ensure that they are complying with their obligations under the PMLA. Also, if current collective bargaining agreements and/or other paid leave time policies already provide all of the requirements of the PMLA, those are sufficient to address the district's obligations to that set of employees.

These revisions should only be considered if such paid leave provisions are not currently addressed in District-specific policies or in the District's collective bargaining agreement(s). If District-specific policies and/or collective bargaining agreements already address paid leave, the District should revise those documents to the March 29, 2019 effective date of the law.



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Policy 2210 – Curriculum Development (Revised)

On December 18, 2018, the Michigan Department of Education released its model program of instruction in career development as required by previous changes to M.C.L. 380.1166a(1). Beginning with the 2019-2020 school year, Districts must ensure that grade appropriate instruction on career development is provided in grades K – 12. This policy was revised to reflect this requirement. Districts also should review and incorporate the Michigan Career Development Model or a district-developed model that meets the requirements of the statute.

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

Policy 2414 – Reproductive Health and Family Planning (Revised)

This policy was revised to delete reference to Michigan Department of Education (MDE) publication that is no longer provided as official guidance regarding reproductive health and family planning.

This revision is recommended for adoption.

Policy 3120 – Employment of Professional Staff (Revised)
Policy 3120.04 – Employment of Substitutes (Revised)

The legislature amended M.C.L. 380.1233 to expand the criteria for persons eligible to substitute teach in the areas of industrial technology and career and technical education. A person is now eligible to substitute teach if: 1) s/he has a high school diploma or equivalency certificate; 2) if substitute teaching in an area in which a professional license or certification is required, s/he has a professional license or certification in that field, or held such a license or certification that expired within two years of initial employment and was in good standing when it expired; and 3) has at least two consecutive years of experience in the relevant subject areas within the preceding ten years.

Policy 6321 – New School Construction, Renovation (Revised)

This policy has been revised to include the requirement of the new school safety legislation for consultation with first responder agencies during the planning of new construction or major renovation of school buildings.

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



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Policy 6325 – Procurement - Federal Grants/Funds (Revised)

This policy is revised in response to audit questions regarding Small and Minority Businesses and Women's Business Enterprises. The language added clearly references the entities in question which had originally been encompassed by the C.F.R. citation. A new administrative guideline is offered to provide more information regarding affirmative steps the District should take in encouraging competitive participation in the procurement process.

The District should be sure to check that Policy 6320 – Purchasing and Policy 6325 - Procurement - Federal Grants/Funds provide consistent guidance for fiscal transactions. It is important to note that when dealing with federal, state, and local provisions, it is always the most restrictive threshold or requirement that prevails.

This revision is recommended for adoption.

Policy 6605 - Crowdfunding (Revised)

Revisions to this policy and related administrative guideline are prompted to recent attention by the Auditor of State (AOS) regarding this evolving fundraising mechanism. Emphasis was added in policy to address the importance of privacy protection for students and to maintain appropriate fiscal safeguards.

These revisions are recommended for adoption.

Policy 8400 - School Safety Information (Revised)

This policy has been revised to reflect the reauthorization of the Elementary and Secondary Education Act (ESEA) through the Every Student Succeeds Act (ESSA), thus eliminating references to the No Child Left Behind (NCLB) legislation.

Additionally, this policy has been revised to reflect the provisions of the new school safety legislation itemized in the Legal Alert included in this Update.

This revision reflects current Federal and State law and should be adopted to maintain accurate policies.



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Policy 8402 - Emergency Operations Plan (New)

This new policy is provided to assist districts in complying with MCL 380.1308b. The new law calls for collaboration, review, and notification obligations to be met by the District.

This new policy is recommended for review and adoption.

Policy 8500 - Food Services (Revised)

This policy has been revised in response to issues raised by United States Department of Agriculture (USDA) reviews of District policies and procedures. The USDA's position is that an appropriate "team" is required to approve any dietary modification to the school's USDA-reimbursable meal pattern for a student, whether or not that student has a disability or is eligible for a Section 504 plan.

These revisions reflect the current USDA requirements and should be considered for adoption.

ADMINISTRATIVE GUIDELINES

AG 5610 - Emergency Removal, Suspension, and Expulsion of Students (Revised)

The revision to this AG is intended to clarify that when the Board conducts an expulsion appeal hearing, the provisions of the Open Meetings Act (OMA) apply to those proceedings.

AG 6325 - Procurement - Federal Grants/Funds (New)


See note on Policy 6325.

AG 6605 - Crowdfunding (Revised)

See note on Policy 6605.

AG 8605 - Bus Safety Procedures (Revised)

See note on Policy 8640.



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FORMS

5111 F1 - Inability to Provide Birth Certificate (Revised)

This form has been revised to reflect recent changes to Policy/AG 5111 and AG 5112A.

COMMENTS

Electronic Access to Management Documents

If you are interested in finding out more about Neola's system for producing the District's policies, guidelines, and forms as well as other documents such as handbooks and negotiated agreements on the Internet, ask your Neola representative for a demonstration in your office. All that is required is that you have a computer and access to the Internet.

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.