

Book	Policy Manual
Section	Vol. 40, No. 1 - September 2025 MI
Title	Vol. 40, No. 1 - September 2025 OVERVIEW
Code	01 - OVERVIEW
Status	From Neola

MICHIGAN LOCAL UPDATE OVERVIEW AND COMMENTS

VOLUME 40 NUMBER 1

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:

- 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.

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 actions that result in a new policy or revisions to an 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. 40, No. 1 - September 2025 MI
Title	Vol. 40, No. 1 - September 2025 Policy Disposition Sheet
Code	02 - Policy Disposition Sheet
Status	From Neola

**DISPOSITION OF NEW/REVISED/REPLACEMENT
POLICIES FOR BOARD ADOPTION**

Vol. 40, No. 1 - September 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
po2210				
po2266				
po2412				
po4162				
po5120				
po5460				
po5517.01				
po7540.02				
po7541 (Rescind)				
po8300				
po8305				

Book	Policy Manual
Section	Vol. 40, No. 1 - September 2025 MI
Title	Vol. 40, No. 1 - September 2025 - 2025 COPPA Rule - Implications for K-12 Public Schools
Code	03 - Legal Alert
Status	From Neola

LEGAL ALERT

To: Neola Clients

From: Neola Legal Counsel

Re: 2025 COPPA Rule - Implications for K-12 Public Schools

Date: September 2025

The Children's Online Privacy Protection Act ("COPPA") was enacted in 1998 to provide parents with control over the personal information collected from children under the age of thirteen (13) by websites and online services. COPPA's implementing regulations are overseen by the Federal Trade Commission ("FTC"), which is required by law to review the COPPA Rule every five (5) years. The original COPPA Rule, implemented in 2000, was last substantively amended in 2013 to reflect emerging technologies, including the increased use of mobile apps and social networking platforms by children. While the previous rules focused primarily on basic parental consent and data collection practices, the new rules are the most sweeping to date and respond to dramatic shifts in how children interact with online platforms, including the rise of artificial intelligence and biometric data use. The 2025 amendments significantly expand protections by requiring separate parental consent for third-party data sharing, implementing more prescriptive security requirements, establishing data retention limits, and broadening the definition of personal information.

The 2025 Final Rule was published on April 22, 2025, and became effective on June 23, 2025, with full compliance required by April 22, 2026 (except for specific provisions that pertain to COPPA's safe harbor programs).

While COPPA primarily regulates commercial operators of websites and online services directed to children under thirteen (13), school districts are allowed to give consent to ed tech companies in lieu of parental consent as long as that data is solely used for educational purposes and not commercially. Nothing in the Final Rule alters the FTC's established guidance that permits schools to adopt educational technology without obtaining individual parental consent for each student. Nevertheless, schools must ensure that vendor platforms comply with the revised COPPA Rule and must train staff accordingly (i.e., concerning student data privacy).

KEY PROVISIONS AFFECTING K-12 SCHOOLS

- **Parental Consent and Educational Use:** Operators must now obtain verifiable parental consent before children's data (i.e., personally identifiable information ("PII")) is collected, used, or disclosed to third parties. This change is critical to ed tech vendors using third-party analytics, advertising, or AI tools. Consent must be specific to each third party and disclosure purpose.

- **Definition of Personal Information:** The Final Rule contains an expanded definition of PII, which now includes biometric identifiers (e.g., fingerprints, faceprints, retina or iris scans, voiceprints), online contact information, persistent identifiers, and government-issued identifiers (e.g., Social Security Numbers, State identification numbers, birth certificates, or passport numbers). This expansion means schools and their vendors must reassess the data they collect, even passively.
- **Enhanced Transparency:** Operators are now required to provide clear, direct, written notice to parents (or schools acting as proxies) about how they plan to collect, use, and disclose children's data upon receiving consent. Specifically, the operator must identify what personal information is collected, how they intend to use it, the identities or specific categories of third parties receiving the data, the purposes for each data disclosure, and the operator's data retention and deletion practices.
- **Data Retention and Deletion:** Operators must establish and publish a written data retention policy, which places limits on how long children's data can be retained (it cannot be indefinite). Further, the Rule states that the data can only be retained as long as is reasonably necessary to fulfill the specific purpose for which it was collected.
- **Separate Parental Consent for Third-Party Disclosures:** Schools must ensure contracts require vendors to obtain separate parental consent if any student data is disclosed beyond the school-authorized purpose.
- **Cybersecurity Requirements:** Operators must implement a written information security program that is tailored to the sensitivity of student data, including conducting annual risk assessments, and scales with the operator's size, complexity, and nature and scope of activities. It will be important for schools to require vendors to certify compliance.
- **Clarification on Mixed Audience Sites:** Websites that attract both children and general users must implement "neutral" age gates and cannot collect any personal data until age is verified. Many K-8 tools fall into this category and must be configured accordingly.

WHAT SHOULD DISTRICTS BE DOING BETWEEN NOW AND APRIL 22, 2026

- **Conduct a Tech Audit/Carefully Analyze Vendor Agreements:** When entering or renewing vendor contracts, schools should:
 - **Require Explicit Educational Purpose Clauses:** Ensure all contracts clearly state that student data will be used solely for educational purposes, not commercial activities or targeted advertising.
 - **Demand Data Retention Policies:** The Final Rule requires operators to obtain separate parental consent before disclosing children's personal information to any third party. District's contracts need to specify data retention periods and deletion procedures.
 - **Verify Security Measures:** Request documentation of vendors' written security programs, including annual risk assessments and specific safeguards for children's data.
 - **Include Audit Rights:** Build in contractual rights to audit vendor compliance with COPPA requirements and data handling practices.
 - **Address Biometric Data:** For any systems collecting biometric information (facial recognition for security, fingerprint scanners), ensure specific protections and limitations are contractually defined.
 - **Indemnification Clauses:** Schools should seek to include indemnification clauses related to a vendor's non-compliance.
- **Train Staff on Updated COPPA Requirements:** Ensure staff (e.g., teachers, media specialists, and technology coordinators) understand the revised consent requirements, limitations on new platform usage, and how to identify PII under the 2025 Final Rule.
- **Update Parental Notification Practices:** Create/Update template notices that explain what data is collected, which platforms are used, and how parents can opt out or view their child's data.

The FTC noted when it announced the 2025 COPPA Rule that it was coming at a critical time, as companies are increasingly trying to profit off children's data, and large ed tech companies are experiencing significant cybersecurity incidents that have led to mass breaches of sensitive student data. With these events as

background, the new Final Rule seeks to strengthen parental control and impose stricter data privacy and security requirements that will directly affect K-12 operations. Proactive compliance—through staff training, contract review, and vendor oversight—is essential to safeguard student privacy and minimize institutional risk. Neola urges its client to act promptly to ensure vendor compliance by the April 22, 2026 full compliance deadline, while immediately reviewing new contracts under the enhanced standards taking effect June 23, 2025.

For further details, consult:

The Final Rule at <https://www.federalregister.gov/documents/2025/04/22/2025-05904/childrens-online-privacy-protection-rule> and the FTC's COPPA FAQs at <https://www.ftc.gov/business-guidance/resources/complying-coppa-frequently-asked-questions>

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Book	Policy Manual
Section	Vol. 40, No. 1 - September 2025 MI
Title	Vol. 40, No. 1 - September 2025 - DOJ Issues New Rule Concerning Web Content and Mobile App Accessibility
Code	04 - Legal Alert
Status	From Neola

LEGAL ALERT

To: Neola Clients

From: Neola Legal Counsel

Re: DOJ Issues New Rule Concerning Web Content and Mobile App Accessibility

Date: September 2025

On April 24, 2024, the U.S. Department of Justice ("DOJ") published a final rule 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. This rule marks the first time that the DOJ has adopted a specific technical standard for digital accessibility.

The ADA was originally enacted in 1990 to ensure that individuals with disabilities are not excluded from participation in public programs and services. While the ADA has long required effective communication and equal access, this rule clarifies the application of these principles to digital environments (i.e., websites and apps). In issuing the Final Rule, the DOJ emphasized the fact that state and local governments are increasingly providing services through websites and mobile applications. Consequently, when these digital platforms are inaccessible, they create barriers for people with disabilities to access government services; in the school context, this can include access to educational resources and course materials, registration and enrollment systems, parent portals and communication platforms, and online forms and applications. For this reason, the DOJ determined it was the appropriate time to adopt a technical standard = Web Content Accessibility Guidelines ("WCAG") 2.1, Level AA. – to ensure digital content is accessible.

School districts that have a population of 50,000+ people have to comply with the new technical standard by April 24, 2026; school districts with populations of fewer than 50,000 have until April 26, 2027, to comply. Once a district is obligated to comply with the Final Rule, its web content (i.e., information and experiences available on the web, including text, images, sound, videos, and documents) and mobile applications (i.e., software applications downloaded and designed to run on mobile devices), along with web content/mobile apps provided or managed by third-parties on behalf of the district will have to meet the WCAG 2.1, Level AA standard, which includes features such as alternative text for images, keyboard navigation, sufficient contrast for text, captioning and transcripts for audio/video content, and logical structure and screen reader compatibility.

While the regulations apply to nearly all web content and mobile apps, there are a few limited exceptions: archived web content; preexisting conventional electronic documents; third-party posted content (i.e., content not posted by contracted vendors); individualized password-protected documents (i.e., documents about specific persons, properties, or accounts that can only be accessed through the use of a password); and preexisting social media posts. In order for archived web content not to have to comply with the new technical standard, it

has to (a) have been created before the compliance date, (b) be maintained solely for reference, research, or recordkeeping purposes and in a special archive section on the website, and (c) remain unchanged since it was archived. Similarly, preexisting conventional electronic documents (e.g., word processing, presentation, PDF, or spreadsheet files) have to have been available before the compliance date and not be currently used for applying, accessing, or participating in district services in order to avoid having to comply with the WCAG 2.1, Level AA standard. Importantly, even when an exception applies, the district must still provide effective communication and reasonable modifications under existing ADA obligations.

To assist districts with their compliance obligations under the Final Rule, Neola has updated Policy and Administrative Guideline 7540.02 to specify the WCAG 2.1, Level AA standard, along with the five (5) exceptions referenced above. Additionally, the vendor/contract procurement language in the documents has been strengthened.

In advance of their applicable compliance deadline, Neola recommends that districts conduct Accessibility Audits – i.e., inventory all district websites, web applications, and mobile apps to assess their current WCAG 2.1, Level AA compliance status. If web content or a mobile app is found not to meet the new technical standard, the district should promptly remediate the situation. Be advised, this may prove more challenging than one might initially think; for example, some districts have a fair amount of content on their district websites that is posted in the Portable Document Format (i.e., PDFs), which, unfortunately, is not always compliant with the WCAG 2.1, Level AA standard.

Relatedly, as specified in Policy and AG 7540.02, districts will need to prospectively conduct accessibility testing and annual compliance audits, and provide a means for users to submit any concerns they may have related to web content or mobile apps not being accessible.

Next, in addition to auditing existing content and apps to assess their accessibility, districts should review new and existing contracts (and related RFPs) with the vendors it uses to host/publish web content and/or operate mobile apps on its behalf to verify those agreements which require the vendors to comply with the WCAG 2.1, Level AA standard. To that end, districts will want to work with their local legal counsel to ensure future contracts contain language requiring vendors to ensure “all web content and mobile applications meet or exceed Web Content Accessibility Guidelines (WCAG) 2.1, Level AA standards as required by Title II of the Americans with Disabilities Act, 28 C.F.R. § 35.104.” Likewise, districts will want those contracts to provide for vendor liability for ADA non-compliance, the right for the district to terminate a contract for a vendor’s accessibility failures, and the opportunity for the district to recover any legal defense costs and damages associated with a lawsuit alleging a failure by the district to meet its ADA-accessibility obligations.

Finally, it will be important for districts to ensure relevant staff are appropriately trained concerning the new technical standard so that they can assist their districts in complying with WCAG 2.1, Level AA, so persons with disabilities will be able to access – on a nondiscriminatory basis – the district’s programs and services as offered on their web content and mobile apps.

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Book	Policy Manual
Section	Vol. 40, No. 1 - September 2025 MI
Title	Vol. 40, No. 1 - September 2025 - Supreme Court Decision Addresses Parental Opt-Out Rights in Public Schools
Code	05 - Legal Alert
Status	From Neola

LEGAL ALERT

To: Neola Clients

From: Neola Legal Counsel

Re: Supreme Court Decision Addresses Parental Opt-Out Rights in Public Schools

Date: September 2025

On June 27, 2025, the United States Supreme Court issued a landmark decision in *Mahmoud v. Taylor*, which significantly expands the rights of parents to opt their children out of public school curriculum that is contrary to their sincerely held religious beliefs. In *Mahmoud*, the Court held that Maryland parents had a constitutional right under the First Amendment's Free Exercise Clause to be notified of and opt their children out of instruction that includes books with LGBTQ+ themes. The Court emphasized that the school board's introduction of LGBTQ+ inclusive storybooks as part of its English Language Arts curriculum, along with its decision to withhold opt-outs, placed an impermissible burden on the parents' free exercise of their religion.

Effects on School Districts

The Court's ruling in *Mahmoud* does not prohibit public schools from adopting inclusive curriculum on LGBTQ+ issues or any other topic, nor does it disturb the basic equal protection principle that public schools must treat all students equally. Michigan law has long allowed parents to excuse their children from specific instruction, including sex and health education, but *Mahmoud* extends beyond that context and applies to general curriculum content where religious objections are raised. It's also important to note that the implications of *Mahmoud* extend beyond just LGBTQ+ storybooks; parents must be allowed to opt their children out of any lesson or curriculum material that conflicts with their religious beliefs.

Michigan school districts should take the following steps:

A. Parental Notification

School districts must give parents advance notice regarding instructional materials that may conflict with religious beliefs.

1. Establish and publicize a process for providing advance notice to parents when materials involving topics that may raise religious objections are scheduled for classroom use.
2. Consider semester or annual overview of such curriculum content.

B. Parental Opt-Out

1. School districts must allow parents to opt their children out of lessons if the discussions conflict with their religious beliefs.
2. Consider sending opt-out request forms when providing advance notice to parents.

C. Accommodation Planning

School districts may not penalize students or families for exercising this right and must offer reasonable accommodations.

1. Develop classroom-level strategies for accommodating students whose families opt out (e.g., alternative assignments or supervised study).
2. Avoid practices that single out or stigmatize students who do not participate in certain lessons.

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Book	Policy Manual
Section	Vol. 40, No. 1 - September 2025 MI
Title	Vol. 40, No. 1 - September 2025 - Update on Michigan Cellphone-in-Schools Legislation
Code	06 - Legal Alert
Status	From Neola

LEGAL ALERT

To: Neola Clients

From: Neola Legal Counsel

Re: Update on Michigan Cellphone-in-Schools Legislation

Date: September 2025

Efforts to adopt a statewide policy restricting student cellphone use in schools remain under consideration but have not yet been enacted.

Pending Legislation

- A. **House Bill 4141**, which proposed limiting student cellphone use during instructional time and, for younger students, during lunch and recess, did not pass the House. The bill fell short by three (3) votes. Sponsors have indicated that a revised version of the bill may be introduced in the future, potentially with a broader “bell-to-bell” prohibition model.
- B. **Senate Bill 234**, a separate proposal, is advancing in the Senate. It would require each school district to adopt a local cellphone policy. The proposal allows for exceptions, including use for medical needs, disability accommodations, emergencies, and instances where permitted by school administrators.

Current Practice in Schools

Without a statewide mandate, school districts may continue to determine whether to adopt their own guidelines on cellphone use. Some districts have chosen to limit student access to personal devices during the school day, often with exceptions for emergencies and required accommodations.

Next Steps

At this time, there is no uniform statewide requirement regarding cellphone use in schools. Districts may continue to implement and enforce their own policies. We will continue to monitor developments and provide updates if legislation is enacted that imposes new obligations or standards.

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Book	Policy Manual
Section	Pending Board Approval
Title	CURRICULUM DEVELOPMENT - APPROVED COURSES
Code	po2210
Status	
Adopted	September 12, 2001
Last Revised	February 24, 2021

2210 - CURRICULUM DEVELOPMENT - APPROVED COURSES

The Board of Education recognizes its responsibility for the quality of the educational program of the schools. To this end, the curriculum shall be developed, evaluated, and adopted on a continuing basis and in accordance with a plan for curriculum growth established by the Superintendent.

For purposes of this policy and consistent communication throughout the District, curriculum shall be defined as the courses of study, subjects, classes, and organized activities provided by the school.

The Board directs that the curriculum of this District:

- A. provide grade-appropriate instruction on career development in each grade level from kindergarten through 12th;
- B. provides instruction in courses required by statute and State Department of Education regulations;
- C. ensures, to the extent feasible, that special learning needs of students are provided for in the context of the regular program or classroom and provides for effective coordination with programs or agencies that are needed to meet those needs that cannot be dealt with in the regular program or classroom;
- D. be consistent with the District's philosophy and goals and ensure the possibility of their achievement;
- E. incorporate State-recommended performance standards for students as the basis for determining how well each student is achieving the academic outcomes for each area of the District's core curriculum;
- F. at the high school level, consider alternatives to the Carnegie Unit as a method for determining student progress toward receiving course credit;
- G. allows for the development of individual talents and interests as well as recognizes that learning styles of students may differ;
- H. provides a strategy for continuous and cumulative learning through effective articulation at all levels, particularly of those skills identified as essential and life-role skills;
- I. utilizes a variety of learning resources to accomplish the educational goals;
- J. encourages students to utilize guidance and counseling services in their academic and career planning;
- K. provides for multi-cultural education by including, at each level, courses or units which help students understand the culture and contributions of various ethnic groups comprising American society, including, but not limited to Euro-Americans, African-Americans, Asian-Americans, Hispanic-Americans, and Native-Americans.

As educational leader of the District, the Superintendent shall be responsible to the Board for the development and evaluation of curriculum and the preparation of courses of study.

The Superintendent or designee shall make progress reports to the Board periodically.

The Superintendent may conduct such innovative programs as are deemed to be necessary to the continuing growth of the instructional program and to better ensure accomplishment of the District's educational goals.

The Superintendent or designee shall report each such innovative program to the Board along with its objectives, evaluative criteria, and costs before it is initiated.

Approved Courses

The Board shall adopt a list of the individual courses that have been approved. The list shall include courses offered by the District for credit or grade promotion and shall be used when determining which courses may be included in membership for State aid purposes and for auditing purposes when examining the membership counted for State school aid on the count days. The list of approved courses shall include traditional offerings and courses offered through other means, such as experiential learning courses, online courses, and all courses offered in shared time programs under appropriate provisions of the State School Aid Act (M.C.L. 388.1766b). The list of approved courses shall include all extended learning opportunities associated with each course and a description of each such opportunity. The list shall also include a description of the content of each approved course, ~~and~~ documentation related to course approval (including the list of approved courses for membership purposes), **and documentation related to the calculation of instructional time for each approved course.**

Unless the Board disapproves, the Superintendent may proceed to conduct the program.

The Board encourages, where it is feasible and in the best interests of the District, participation in programs of educational research.

The Board directs the Superintendent to pursue actively State and Federal aid in support of the District's innovative activities.

Revised 8/14/19

Reference: Pupil Accounting Manual ~~2019-2020~~ **2024-2025**, Michigan Department of Education

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Legal

M.C.L. 380.1282, 380.1166a

Reference: Pupil Accounting Manual 2024-2025, Michigan Department of Education

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	May 28, 2025

2266 - **NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES**

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~~, **criminal sexual contact (f.k.a. 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. **Criminal Sexual Contact (f.k.a. Fondling)** is the intentional touching of the clothed or unclothed body parts, without consent, of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation; or the forced touching by the victim of the other individual's clothed or unclothed body parts, without consent of the victim, for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This includes instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation. ~~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 1335 Joslyn Road
Lake Orion, MI 48362 Orion Township, MI 48360
adam.weldon@lok12.org

Andrea Curtis
Assistant Superintendent of Business & Finance
248-693-5400
315 N. Lapeer Street 1335 Joslyn Road
Lake Orion, MI 48362 Orion Township, MI 48360
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 1335 Joslyn Road
Lake Orion, MI 48362 Orion Township, MI 48360
adam.weldon@lok12.org

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Assistant Superintendent of Business & Finance
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315 N. Lapeer Street 1335 Joslyn Road
Lake Orion, MI 48362 Orion Township, MI 48360
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.

Revised 12/1/21

Revised 12/5/23

Revised 7/24/24

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)

Book	Policy Manual
Section	Pending Board Approval
Title	HOMEBOUND INSTRUCTION PROGRAM
Code	po2412
Status	
Adopted	September 12, 2001
Last Revised	June 12, 2024

2412 - HOMEBOUND INSTRUCTION PROGRAM

The Board of Education shall provide, pursuant to requirements of the State Board of Education, individual instruction to students of legal school age who are not able to attend classes because of a physical or emotional disability.

A physician, psychiatrist, hospital (e.g. psychiatric hospitals), or licensed treatment facility (e.g. substance abuse centers) must certify the student as homebound or hospitalized. Psychologists, chiropractors, or other professionals may not certify a student as eligible. The certification must state: ~~Applications for individual instruction shall be made by a physician or physician's assistant (licensed to practice in this State), parent, student, or other care giver. A physician or physician's assistant must:~~

- A. ~~the medical condition requires the student to be confined to home or hospitalized during regular school hours; certify the nature and existence of a medical condition;~~
- B. ~~the home or hospital confinement will last for a period longer than five (5) consecutive school days; and state the probable duration of the confinement;~~
- C. ~~must bear the signature of an M.D. or a D.O. if the student was seen by a physician's assistant or nurse practitioner; request such instruction;~~
- D. ~~present evidence of the student's ability to participate in an educational program.~~

Applications must be approved by the Superintendent and/or designee.

~~The District will provide homebound instruction only for those confinements expected to last more than five (5) days.~~

The district will develop a Homebound/ Hospitalized instructional service plan (and complete an IEP or IEP Amendment for students with Special Education eligibility) and implement within three (3) school days from the date that physician verification of eligibility is received.

The program of homebound or hospitalized instruction given each student shall be in accordance with regulations of the State Board of Education with such exceptions as may be recommended by the physician. Teachers of homebound special education students shall hold a Michigan teaching certificate appropriate for the level of instruction for which the assignment is made or for the type of instruction called for by an I.E.P.C. Teachers of nondisabled students must hold a valid teaching certificate.

The District reserves the right to withhold homebound instruction when:

- A. the instructor's presence in the place of a student's confinement presents a hazard to the health of the teacher;
- B. a parent or other adult in authority is not at home with the student during the hours of instruction;
- C. the condition of the student is such as to preclude ~~his/her~~ the student's benefit from such instruction.

Reference: Pupil Accounting Manual ~~2019-2020~~ 2024-2025, Michigan Department of Education

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Legal

M.C.L. 388.1606, 388.1709

Reference: Pupil Accounting Manual 2024-2025, Michigan Department of Education

Book	Policy Manual
Section	Pending Board Approval
Title	CONTROLLED SUBSTANCE AND ALCOHOL POLICY FOR COMMERCIAL MOTOR VEHICLE (CMV) DRIVERS AND OTHER EMPLOYEES WHO PERFORM SAFETY-SENSITIVE FUNCTIONS
Code	po4162
Status	
Adopted	September 12, 2001
Last Revised	February 24, 2021

4162 - CONTROLLED SUBSTANCE AND ALCOHOL POLICY FOR COMMERCIAL MOTOR VEHICLE (CMV) DRIVERS AND OTHER EMPLOYEES WHO PERFORM SAFETY-SENSITIVE FUNCTIONS

Purpose

The Board of Education believes that the safety of students while being transported to and from school or school activities is of utmost importance and is the primary responsibility of the driver of the school vehicle. To fulfill such a responsibility, each driver, as well as others who perform safety-sensitive functions with District vehicles, (collectively "Covered Employees") must be mentally and physically alert at all times while on duty.

To that end, the Board has established this policy, which includes an alcohol and controlled substances testing program. The Board also expects all Covered Employees to comply with Board Policy 4122.01 on Drug-Free Workplace which prohibits the possession, use, sale, or distribution of alcohol and any controlled substance on school property at all times.

Further, the Board concurs with the Federal requirement that all Covered Employees should be free of any influence of alcohol or controlled substance while on duty. Therefore, participation in the alcohol and controlled substances testing program is a condition of employment for all Covered Employees.

Definitions

For purposes of this policy and the guidelines associated with the policy, the following definitions shall apply.

- A. The term *alcohol* means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl or isopropyl alcohol.
- B. The term *illegal drug* means drugs and controlled substances, the possession or use of which is unlawful, pursuant to Federal, State, and/or local laws and regulations.
- C. The term *controlled substance* includes any illegal drug and any drug that is being used illegally, such as a prescription drug that was not legally obtained or not used for its intended purposes or in its prescribed quantity. The term does not include any legally-obtained prescription drug used for its intended purpose in its prescribed quantity unless such use would impair the individual's ability to safely perform safety-sensitive functions.
- D. The term *controlled substance abuse* includes excessive use of alcohol as well as prescribed drugs not being used for prescribed purposes, in a prescribed manner, or in the prescribed quantity.
- E. The term *safety-sensitive functions* includes all tasks associated with the operation and maintenance of District owned and/or operated vehicles. This term further includes any period in which an individual is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.
- F. The term Covered Employee means all commercial driver license (CDL) holders and regular and substitute bus drivers as well as other staff who operate, inspect, service and condition a commercial motor vehicle (CMV) while on duty, regardless of whether they are required to hold a CDL.

This policy also covers other staff members who drive students in or inspect, service, and condition non-CMV District vehicles and any person driving a District controlled vehicle.

G. The term *while on duty* means all time from the time the Covered Employee begins to work or is required to be in readiness for work until the time s/he is relieved from work and all responsibility for performing work.

Procedures

The Superintendent shall establish a drug and alcohol testing program whereby each Covered Employee is tested for the presence of alcohol in his/ her system as well as for the presence of the following controlled substances:

- A. Marijuana
- B. Cocaine
- C. Opioid
- D. Amphetamines
- E. Phencyclidine (PCP)

The alcohol and controlled substances tests are to be conducted in accordance with Federal and State regulations a.) prior to employment (**Controlled Substances Only**), b.) reasonable suspicion, c.) upon return to duty after any alcohol or drug rehabilitation, d.) post-accident, e.) on a random basis, and f.) on a follow-up basis.

The Superintendent shall require that the District query the FMCSA's Drug and Alcohol Clearinghouse for current and prospective CDL drivers' drug and alcohol violations before allowing a driver to operate a District-owned and/or operated vehicle, consistent with Federal regulations, including consent requirements.

Any staff member who tests positive as defined in the guidelines shall be immediately prohibited from driving any District-owned and/or operated vehicle or conducting a safety-sensitive function and may be:

- A. evaluated by a substance abuse professional; and/or
- B. provided information regarding drug/alcohol counseling; or if available referred to the District's Employee Assistance Program; and/or
- C. subject to discipline, up to and including discharge, in accordance with District guidelines and the terms of any applicable collective bargaining agreements.

No staff member who has tested positive for alcohol or a controlled substance may be returned to a safety-sensitive position without having been evaluated by a qualified substance abuse professional (SAP), completing any required treatment program, and passing a retest. Return to a safety-sensitive position is solely at the District's discretion and the employee may be required to participate in ongoing services if recommended by the SAP. Any staff member who has tested positive for alcohol or a controlled substance will be provided with a list of SAPs available and acceptable to the District.

Furthermore, if during any test the lab determines that an adulterant has been added to the specimen, then the employee will be re-tested with an observed collection to prevent the addition of an adulterant to the specimen.

Any staff member who refuses to submit to a test shall immediately be prohibited from performing or continuing to perform ~~his/her~~ safety-sensitive functions (e.g., driving any Board-owned vehicle).

Prior to the beginning of the testing program, the District shall provide a drug-free awareness program which will inform Covered Employees and their supervisors, about:

- A. the dangers of illegal drug use and controlled substance and alcohol abuse;
- B. indicators of probable alcohol misuse and controlled substance abuse;
- C. Board Policy 4122.01 - Drug-Free Workplace, Policy 4161 - Unrequested Leaves of Absence/Fitness for Duty, Policy 4170 - Substance Abuse, and Policy 4170.01 - Employee Assistance Program;
- D. the sanctions that may be imposed for violations of Policy 4122.01.

All time spent undergoing an alcohol or controlled substance test, including travel time, will be paid at the staff member's regular rate of pay, or at his/her overtime rate, if applicable. Any staff member who is not allowed to return to work while awaiting test results will be compensated during the waiting period for all work time lost, including overtime, if applicable. The Board shall pay all costs associated with the administration of alcohol and controlled substance tests. This includes testing of the "split specimen" at a Federally certified laboratory if so requested by a staff member. Requests for a "split specimen" must be made within seventy-two (72) hours of receipt of the notification of a positive drug test. The Board will not pay for the employee's time while not on duty, if the split specimen test results are positive.

Alcohol and drug test results shall be protected as confidential medical records as appropriate under Federal law (i.e. test results shall be provided on a right to know basis - the employee, the employer, and the substance abuse professional - and the results shall not be presented until analyzed by a Medical Review Officer).

A tested individual, upon written request, will be promptly provided copies of any records relating to his/her the individual's use of drugs and alcohol, including any records pertaining to his/her the individual's drug and alcohol tests. A tested individual must provide specific written consent before his/her the individual's test result can be provided to any other person except as required by law.

All tests shall be conducted in accordance with Federal testing guidelines and be performed by a laboratory that is Federally certified.

The alcohol and drug testing program shall be under the direction of the Superintendent.

The Superintendent shall arrange for periodic retraining of supervisors and staff members as necessary. The Superintendent shall provide a copy of this policy and testing guidelines to all Covered Employees and will include available resources to assist employees with problems related to the use of alcohol and controlled substances.

The Superintendent shall submit, for Board approval, a contract with a certified laboratory to provide the following services:

- A. testing of all first and second test urine samples
- B. clear and consistent communication with the District's Medical Review Officer (MRO)
- C. methodology and procedures for conducting random tests for controlled substances and alcohol
- D. preparation and submission of all required reports to the District, the MRO, and to Federal and State governments

The Superintendent shall also select the agency or persons who will conduct the alcohol breathalyzer tests, the District's MRO, and the drug collection site(s) in accordance with the requirements of the law.

Notification

A tested candidate shall be notified of the results of a pre-employment controlled substances test conducted under this part, if the driver requests such results within sixty (60) calendar days of being notified of the disposition of the employment application.

A tested individual shall be notified of the results of random, reasonable suspicion and post-accident tests for controlled substances conducted under this policy if the test results are verified positive. The tested individual shall also be informed which controlled substance or substances were verified as positive.

The Superintendent shall make reasonable efforts to contact and request each driver who submitted a specimen under the employer's program, regardless of the driver's employment status, to contact and discuss the results of the controlled substances test with a medical review officer who has been unable to contact the driver.

The Superintendent shall immediately notify the medical review officer that the driver has been notified to contact the medical review officer within seventy-two (72) hours.

Individuals holding a CDL license must notify all current employers of any DOT violations (such as testing positive for the presence of alcohol or a controlled substance in violation of this policy). The notification must be made 1) by the end of the business day following the day the individual first receives notice of the violation or 2) prior to performing any safety-sensitive function, whichever comes first. Individuals are not required to notify the employer that administered the test or that documented the circumstances giving rise to the violation.

In the event that an individual is selected for testing, the Superintendent will inform the individual that the test is required by applicable law.

Reporting Test Results

The Superintendent shall report all information required by Federal regulations to the Clearinghouse in a timely manner. The Superintendent shall prepare and maintain a summary of the results of its alcohol and controlled substances testing programs performed under this policy during the previous calendar year, when requested by the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the employer or any of its drivers. Such summaries shall be submitted in a manner and timeline as required by law.

Educational Materials Related to Certain Federal Regulations, Board Policies, and Procedures

CDL License Holders and other employees who perform safety-sensitive functions will be provided educational materials at the time of hire or at any time when required to operate a school vehicle. The educational materials shall explain the requirements of applicable Federal regulations and the Board's policies and District's procedures with respect to meeting these Federal regulations. The Board designates Superintendent or designee as the individual responsible for providing educational materials to CDL License Holders and other employees who perform safety-sensitive functions. The educational materials will include, at a minimum, the following:

- A. the contact information for Superintendent or designee, who is the individual designated by the Board to answer questions about the educational materials
- B. a statement that all CDL License Holders and other employees who perform safety-sensitive functions are subject to Federal law addressing the misuse of alcohol and other controlled substances
- C. information sufficient to make clear to employees the period of the work day during which they are required to comply with the regulations
- D. information concerning prohibited conduct
- E. the circumstances under which employees are subject to testing for alcohol and/or controlled substances
- F. the procedures for testing for the presence of alcohol and controlled substances in order to protect the employee and the integrity of the testing process, to safeguard the validity of the test results, and to confirm the results are attributed to the correct employee, including post-accident information, procedures, and instructions required under Federal regulations
- G. the requirement that staff members must submit to alcohol and controlled substance testing as required by the regulations
- H. an explanation of what constitutes a refusal to be tested or alcohol or controlled substances and the attendant consequences
- I. the consequences of testing positive, including the requirements of immediate removal from safety-sensitive functions, and the procedures regarding referral, evaluation, and treatment
- J. the consequences for employees found to have an alcohol concentration of 0.02 or greater but less than 0.04
- K. information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol and/or controlled substances problem (the employee's or a co-worker's); and available methods of intervening when a controlled substances and/or alcohol problem is suspected (including confrontation and how to refer someone to an Employee Assistance Program or to management), and
- L. information regarding the requirement that certain personal information collected and maintained under Federal law be reported to the Commercial Driver's License Drug and Alcohol Clearinghouse
- M. information indicating that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, including alcohol, is prohibited on all school board property and at school-sponsored activities. Individuals are strictly prohibited from reporting to work or being on duty while under the influence of alcohol or a controlled substance.

These materials are to be distributed to each staff member upon being hired or transferred into a covered position thereafter. Each staff member must sign a statement certifying receipt of these materials. A staff member who refuses to sign the requisite statement shall be prohibited from performing any safety-sensitive functions. Each employee (and labor organization representing Board employees) shall receive written notice of the availability of this information, and the identity of the Board's designated representative in charge of answering employee questions about the materials.

Return-to-Duty (Safety-Sensitive Positions)

Employees who are removed from performing safety-sensitive functions as a result of this policy must complete the Return-to-Duty ("RTD") process as required by the U.S. Department of Transportation ("DOT") regulations and their Federal Motor Carrier Safety Act ("FMCSA") Drug and Alcohol Clearinghouse status must be changed from "prohibited" to "not prohibited" before resuming safety-sensitive duties. The RTD process requires an evaluation by a qualified Substance Abuse Professional ("SAP"), successful compliance with the SAP's prescribed education and/or treatment program, and a follow-up evaluation by the SAP determining that the employee has complied with the program. The employee must then complete a DOT return-to-duty test and obtain a verified negative drug test result and/or an alcohol test result of less than 0.02 before being permitted to return to the performance of safety-sensitive functions.

In addition, employees must comply with the SAP's written follow-up testing plan, which will be administered by the District in accordance with DOT regulations. An employee who fails to comply with the follow-up testing plan will not be permitted to perform safety-sensitive duties.

Subject to any collective bargaining agreement or other legal requirements, employees who are otherwise eligible to resume safety-sensitive functions may not do so without the Superintendent's approval.

~~Employees who are removed from performing safety-sensitive functions as a result of this policy must take and pass return to duty test before returning to performing safety sensitive functions. The return to duty test will not occur until after a Substance Abuse Professional (SAP) has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety sensitive duties. The employee will not be permitted to perform safety sensitive functions until the start of the employee's next regularly scheduled duty period, but not less than twenty four (24) hours following administration of the return to duty test.~~

~~Employees must also comply with the SAP's written follow up testing plan, which will be administered by the District, or they will not be permitted to perform safety sensitive duties.~~

~~Subject to any collective bargaining agreement or other legal requirements, employees who are eligible to return to performing safety sensitive functions may not do so without the approval of the Superintendent.~~

Revised 6/12/13

Revised 1/8/14

Revised 5/9/18

Revised 4/10/19

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Legal

49 C.F.R. 382

49 C.F.R. Part 40

Book	Policy Manual
Section	Pending Board Approval
Title	ASSIGNMENT WITHIN DISTRICT
Code	po5120
Status	
Adopted	September 12, 2001

5120 - **ASSIGNMENT WITHIN DISTRICT**

The Board of Education directs that the assignment of students to schools within this District be consistent with the best interests of students and the best use of the resources of this District.

The Board shall determine ~~() annually~~ **(X) periodically [END OF OPTION]** the school attendance areas of the District and shall expect the students within each area to attend the school so designated.

The Superintendent shall periodically review existing attendance areas and recommend to the Board such changes as may be justified.

No assignment to schools or attendance schedules shall discriminate against students on the basis of gender, race, religion, disability, or national origin.

[X] The Superintendent may assign a student to a school other than that designated by the attendance area when such exception is justified by circumstances and is in the best interest of the student.

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Book	Policy Manual
Section	Pending Board Approval
Title	GRADUATION REQUIREMENTS
Code	po5460
Status	
Adopted	September 12, 2001
Last Revised	May 28, 2025

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.

~~Beginning with the Class of _____, each student in grade twelve (12) shall be required to complete one (1) of the following:~~

~~A. a Free Application for Federal Student Aid ("FAFSA");~~

~~B. a District waiver form indicating that the student and family understand what these aid opportunities are and has chosen not to complete an application;~~

~~If the student is not at least eighteen (18) years of age or legally emancipated, the student's parent/guardian must complete one (1) of these documents on the student's behalf.~~

~~C. school or District exemption that certifies to the Board that good faith efforts were made to assist the student or the student's parent/guardian in either completing the FAFSA or obtaining a District waiver.~~

~~The District shall exempt a student from the requirement to complete the FAFSA if any of the following are met:~~

~~A. The student's parent or legal guardian, or the student if the student is eighteen (18) years of age or older, is an emancipated minor, or is an unaccompanied youth, has submitted a parental waiver (obtained by a standard form provided by MILEAP) to the District exempting the student from completing the FAFSA.~~

~~B. The student is unable to complete the FAFSA because of privacy concerns.~~

~~C. All of the following are met:~~

~~1. After a good faith effort, the student's parent or legal guardian refuses to sign the parental waiver, is unresponsive, or cannot sign the parental waiver.~~

~~2. The student is unable to complete the FAFSA as an independent student.~~

~~3. The student agrees to opt out of completing the FAFSA.~~

~~4. Other than the requirements in subsection (2) of Sec. 67f of Public Act 120 of 2024, the student is on track to graduate.~~

[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. online class.

Students shall successfully complete an online course or learning experience OR shall have the 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, 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 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 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 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 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

Revised 4/10/19

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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	BULLYING AND OTHER AGGRESSIVE BEHAVIOR TOWARD STUDENTS
Code	po5517.01
Status	
Adopted	December 8, 2004
Last Revised	August 23, 2017

5517.01 - BULLYING AND OTHER AGGRESSIVE BEHAVIOR TOWARD STUDENTS

It is the policy of the District to provide a safe and nurturing educational environment for all of its students.

The Board of Education recognizes that a school that is physically and emotionally safe and secure for all students and staff will be better able to promote good citizenship, increase attendance and engagement, and support academic achievement. The Board expects students and staff to conduct themselves in a manner that promotes positive relationships and school climate, with a proper regard for the rights and welfare of other students, school staff, volunteers, and contractors.

This policy protects all students from bullying/aggressive behavior regardless of the subject matter or motivation for such impermissible behavior.

Bullying or other aggressive behavior toward a student, whether by other students, staff, or third parties, including Board members, parents, guests, contractors, vendors, and volunteers, is strictly prohibited. This prohibition includes written, physical, verbal, and psychological abuse, including hazing, gestures, comments, threats, or actions, including electronically transmitted acts, to a student, which cause or threaten to cause bodily harm, reasonable fear for personal safety or personal degradation.

Demonstration of appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment or bullying is expected of administrators, faculty, staff, and volunteers to provide positive examples for student behavior.

This policy applies to all "at school" activities in the District, including activities on school property, in a school vehicle, or at any time or place where a child's imminent safety or over-all well-being may be at issue, and those occurring off school property, if the student or employee is at any school-sponsored, school-approved or school-related activity or function, such as field trips or athletic events where students are under the school's control, or where an employee is engaged in school business. Misconduct occurring outside of school may also be disciplined if it interferes with the school environment.

Notification

Notice of this policy will be annually circulated to and posted in conspicuous locations in all school buildings and departments within the District and discussed with students, as well as incorporated into the teacher, student, and parent/guardian handbooks. State and Federal rights posters on discrimination and harassment shall also be posted at each building. All new hires will be required to review and sign off on this policy and the related complaint procedure.

Parents or legal guardians of the alleged victim(s), as well as of the alleged aggressor(s), shall be promptly notified of any complaint or investigation as well as the results of the investigation to the extent consistent with student confidentiality requirements. A record of the time and form of notice or attempts at notice shall be kept in the investigation file.

To the extent appropriate and/or legally permitted, confidentiality will be maintained during the investigation process. However, a proper investigation will, in some circumstances, require the disclosure of names and allegations. Further, the appropriate authorities may be notified, depending on the nature of the complaint and/or the results of the investigation.

Reporting

~~No later than May 30, 2015, the~~ The District shall submit to the Department of Education a copy of this Policy.

The District shall report incidents of bullying to the Department of Education on an annual basis according to the form and procedures established by the Department of Education.

Should this Policy be amended or otherwise modified, the District shall submit a copy of the amended or modified Policy to the Department of Education no later than thirty (30) days after adopting the modification.

Implementation

The Superintendent is responsible to implement this policy, and may develop further guidelines, not inconsistent with this policy.

This policy is not intended to and should not be interpreted to interfere with legitimate free speech rights of any individual. However, the District reserves the right and responsibility to maintain a safe environment for students, conducive to learning and other legitimate objectives of the school program.

Procedure

Any student who believes ~~s/he has been or is~~ they have been or are the victim of bullying, hazing, or other aggressive behavior should immediately report the situation to the Principal or assistant principal. The student may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate administrator or Board official. Complaints against the building principal should be filed with the Superintendent. Complaints against the Superintendent should be filed with the Board President.

A student may also submit a report or complaint to any of the above designated individuals through email, voicemail, regular mail or by leaving a sealed note addressed to the individual at that person's office or desk. The student may submit a report or complaint anonymously, but this may affect the ability to fully investigate the matter, when the complaining student is not available to provide additional information during the course of the investigation.

The identity of a student who reports bullying, hazing or aggressive behavior, as well as those students who provide information during an investigation will remain confidential to the extent possible and to the extent allowable by law. Only school personnel directly involved in the investigation of the complaint or responsible for remedying any violations will be provided access to the identity of the complaining student(s) and student witnesses, and then only to the extent necessary to effectively deal with the situation.

The identity of the student who files the report or complaint will not be voluntarily shared with the alleged perpetrator(s) or the witnesses unless the student (and ~~his/her~~ the student's parent/guardian) give written permission to do so. Any investigation report will likewise not be voluntarily produced with the names of the reporting student(s) or witnesses. However, under certain circumstances, the District may be required by law to disclose the report and/or the student(s) names. Also, under certain circumstances, the identity of the reporting student may become obvious even without disclosure by school personnel.

Every student is encouraged, and every staff member is required, to report any situation that they believe to be aggressive behavior directed toward a student. Reports shall be made to those identified above. While reports may be made anonymously, formal disciplinary action may not be taken solely on the basis of an anonymous report without other corroborating evidence.

The Principal (or other designated administrator) shall promptly investigate and document all complaints about bullying, aggressive or other behavior that may violate this policy. The investigation must be completed as promptly as the circumstances permit after a report or complaint is made.

If the investigation finds an instance of bullying or aggressive behavior has occurred, it will result in prompt and appropriate remedial action. This may include up to expulsion for students, up to discharge for employees, exclusion for parents, guests, volunteers and contractors, and removal from any official position and/or a request to resign for Board members. Individuals may also be referred to law enforcement or other appropriate officials.

If, during an investigation of a reported act of harassment, intimidation, and/or bullying/cyberbullying, the Principal or appropriate administrator believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Principal will report the act of bullying and/or harassment to one of the Anti-Harassment Compliance Officers so that it may be investigated in accordance with the procedures set forth in Policy 5517 - Anti-Harassment.

The individual responsible for conducting the investigation shall document all reported incidents and report all verified incidents of bullying, aggressive or other prohibited behavior, as well as any remedial action taken, including disciplinary actions and referrals, to the Superintendent. The Superintendent shall submit a compiled report to the Board on an annual basis.

Non-Retaliation/False Reports

Retaliation or false allegations against any person who reports, is thought to have reported, files a complaint, participates in an investigation or inquiry concerning allegations of bullying or aggressive behavior (as a witness or otherwise), or is the target of the bullying or aggressive behavior being investigated, is prohibited and will not be tolerated. Such retaliation shall be considered a serious violation of Board policy, independent of whether a complaint of bullying is substantiated. Suspected retaliation should be reported in the same manner as bullying/aggressive behavior.

Making intentionally false reports about bullying/aggressive behavior for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated. Retaliation and intentionally false reports may result in disciplinary action as indicated above.

Prevention/Training/(-)Restorative Practices ~~OPTIONAL~~END OF OPTION]

~~The District shall provide a minimum of annual training for school employees and volunteers who have significant contact with students on school policies and procedures regarding bullying and harassment to help promote a positive school climate. Training will provide school employees with a clear understanding of their roles and responsibilities and the necessary skills to fulfill them. (Examples of appropriate trainings include, but are not limited to, age appropriate strategies to prevent bullying; age appropriate strategies for immediate, effective interventions to stop incidents; internet safety issues as they relate to cyberbullying; and fostering an understanding of and respect for diversity and difference).~~

~~[] The Superintendent shall establish~~

~~(-) a Bullying Prevention Task Force.~~

~~(-) a program or other initiatives involving school staff, students, clubs or other student groups, administrators, volunteers, parents, law enforcement, community members, and other stakeholders, aimed at the prevention of bullying or other aggressive behavior.~~

~~[END OF OPTION]~~

~~[] The District shall implement a comprehensive health education curriculum, within the Whole School, Whole Community, Whole Child framework, to help students attain skills and knowledge vital to school success, a productive and healthy workforce, and good citizenship. Critical skills include anticipating consequences of choices, making informed decisions, communicating effectively, resolving conflicts, and developing cultural competency. [END OF OPTION]~~

~~[] The District shall provide, and all students shall undertake, annual training on preventing, identifying, responding to, and reporting incidents of bullying, cyberbullying, and other aggressive behavior. [END OF OPTION]~~

~~[] The District shall provide and all parents or legal guardians~~

~~(-) shall~~

~~[OR]~~

~~(-) shall be offered the opportunity to~~

~~undertake annual training on preventing, identifying, responding to, and reporting incidents of bullying, cyberbullying, and other aggressive behavior. [END OF OPTION]~~

~~[] The District will utilize restorative practices that emphasize repairing the harm to the victim and school community in the correction of bullying behavior, which may include victim-offender conferences that:~~

- ~~A. are initiated by the victim;~~
- ~~B. are approved by the victim's parent or legal guardian or, if the victim is at least fifteen (15), by the victim;~~
- ~~C. are attended voluntarily by the victim, a victim advocate, the offender, members of the school community, and supporters of the victim and the offender (the "restorative practices team");~~
- ~~D. would provide an opportunity for the offender to accept responsibility for the harm caused to those affected, and to participate in setting consequences to repair the harm, such as requiring the student to apologize; participate in community service, restoration of emotional or material losses, or counseling; pay restitution; or any combination of these. The selected consequences and time limits for their completion will be incorporated into an agreement to be signed by all participants.~~

~~[END OF OPTION]~~

[] The best discipline for aggressive behavior is designed to (1) support students in taking responsibility for their actions, (2) develop empathy, and (3) teach alternative ways to achieve the goals and solve problems that motivated the aggressive behavior. Staff members and volunteers who interact with students shall role model respectful behavior and apply best practices designed to prevent discipline problems and encourage students' abilities to develop self-discipline and make better choices in the future. School employees will also be held accountable for bullying or harassing behavior that is directed toward school employees, volunteers, parents, or students in accordance with law and local collective bargaining agreements.

Consequences and appropriate remedial actions for a student or staff member who engages in one (1) or more acts of bullying or harassment may range from positive behavioral interventions, up to and including suspension or expulsion, in the case of a student, or suspension or termination in the case of an employee, as set forth in the Board's approved Code of Student Conduct or Employee Handbook. School employees will also be held accountable for bullying or harassing behavior directed toward school employees, volunteers, parents, or students.

Consequences for a student who commits an act of bullying and harassment shall vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance, and must be consistent with the Board's approved Code of Student Conduct. Remedial measures shall be designed to:

- A. correct the problem behavior;
- B. prevent another occurrence of the behavior; and
- C. protect the victim of the act.

Effective discipline should employ a school-wide approach to adopt a rubric of bullying offenses and the associated consequences.

[END OF OPTION]

[END OF OPTIONS]

Definitions

The following definitions are provided for guidance only. If a student or other individual believes there has been bullying, hazing, harassment or other aggressive behavior, regardless of whether it fits a particular definition, **s/he the student or other individual** should report it immediately and allow the administration to determine the appropriate course of action.

"Aggressive behavior" is defined as inappropriate conduct that is repeated enough, or serious enough, to negatively impact a student's educational, physical, or emotional well-being. Such behavior includes, for example, bullying, hazing, stalking, intimidation, menacing, coercion, name-calling, taunting, making threats, and hitting/pushing/shoving.

"At School" is defined as in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises. It also includes conduct using a telecommunications access device or telecommunications service provider that occurs off school premises if either owned by or under the control of the District.

"Bullying" is defined as any written, verbal, or physical acts, including cyber bullying (i.e. any electronic communication, including, but not limited to electronically transmitted acts, such as internet, telephone or cell phone, **computer, or wireless handheld device, currently in use or later developed and used by students**) that is perceived as being dehumanizing, intimidating, hostile, humiliating, threatening, or otherwise likely to evoke fear of physical harm or emotional distress and may be motivated either by bias or prejudice based upon any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression; or a mental, physical, or sensory disability or impairment; or by any other distinguishing characteristic, or is based upon association with another person who has or is perceived to have any distinguishing characteristic. Bullying or harassment also includes forms of retaliation against individuals who report or cooperate in an investigation under this policy. **personal digital assistant (PDA), or wireless hand held device** that, without regard to its subject matter or motivating animus, is intended or that a reasonable person would know is likely to harm one (1) or more students either directly or indirectly by doing any of the following:

Bullying is conduct that meets all of the following criteria:

- A. is perceived as being dehumanizing, intimidating, hostile, humiliating, threatening, or otherwise likely to evoke fear of physical harm or emotional distress;
- B. is directed at one (1) or more students;
- C. is conveyed through physical, verbal, technological, or emotional means;

- D. substantially interfering-interferes with educational opportunities, benefits, or programs of one (1) or more students;
- E. adversely affecting-affects the ability of a student to participate in or benefit from the school district's educational programs or activities by placing the student in reasonable fear of physical harm or by causing substantial emotional distress;
- F. is based on a student's actual or perceived distinguishing characteristic (see above) or is based on an association with another person who has or is perceived to have any of these characteristics. ~~having an actual and substantial detrimental effect on a student's physical or mental health; and/or~~
- G. ~~causing substantial disruption in, or substantial interference with, the orderly operation of the school.~~

Bullying can be physical, verbal, psychological, or a combination of all three. Some examples of bullying are:

- A. Physical – hitting, kicking, spitting, pushing, pulling; taking and/or damaging personal belongings or extorting money, blocking or impeding student movement, unwelcome physical contact.
- B. Verbal – taunting, malicious teasing, insulting, name calling, making threats.
- C. Psychological – spreading rumors, manipulating social relationships, coercion, or engaging in social exclusion/shunning, extortion, or intimidation. This may occur in a number of different ways, including but not limited to notes, emails, social media postings, and graffiti.

"Harassment" ~~includes, but is not limited to, any act which subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written or physical nature, often on the basis of age, race, religion, color, national origin, marital status or disability, but may also include sexual orientation, physical characteristics (e.g., height, weight, complexion), cultural background, socioeconomic status, or geographic location (e.g., from rival school, different state, rural area, city, etc.).~~ is conduct that meets all of the following criteria:

- A. repeated or continuing unwanted contact perceived as being dehumanizing, intimidating, hostile, humiliating, threatening, or otherwise likely to evoke fear of physical harm or emotional distress;
- B. is directed at one (1) or more students or staff;
- C. is conveyed through physical, verbal, technological, or emotional means;
- D. substantially interferes with educational opportunities, benefits, or programs of one (1) or more students or staff;
- E. adversely affects the ability of a student to participate in or benefit from the School District's or public school's educational programs or activities because the conduct, as perceived by the student, is so severe, pervasive, and objectively offensive as to have this effect; and
- F. is based on a student or staff's actual or perceived distinguishing characteristic (see above) or is based on an association with another person who has or is perceived to have any of these characteristics.

"Intimidation/Menacing" includes, but is not limited to, any threat or act intended to: place a person in fear of physical injury or offensive physical contact; to substantially damage or interfere with person's property; or to intentionally interfere with or block a person's movement without good reason.

"Staff" includes all school employees and Board members.

"Third parties" include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors, vendors, or others engaged in District business, and others not directly subject to school control at inter-district or intra-district athletic competitions or other school events.

The scope of this policy includes the prohibition of every form of bullying, harassment, and cyberbullying/harassment, whether in the classroom, on school premises, immediately adjacent to school premises, when a student is traveling to or from school (portal to portal), or at a school-sponsored event, whether or not held on school premises. Bullying or harassment, including cyberbullying/harassment, that is not initiated at a location defined above is covered by this policy if the incident results in a potentially material or substantial disruption of the school learning environment for one (1) or more students or staff and/or the orderly day-to-day operations of any school or school program.

For further definition and instances that could possibly be construed as:

Harassment, see Policy 5517;
Hazing, see Policy 5516.

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Revised 3/14/12
Revised 1/8/14

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M.C.L. 380.1310b (Matt's Safe School Law, PA 241 of 2011), PA 478 of 2014
Policies on Bullying, Michigan State Board of Education
Model Anti-Bullying Policy, Michigan State Board of Education

Book	Policy Manual
Section	Pending Board Approval
Title	DIGITAL CONTENT AND ACCESSIBILITY
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Status	
Adopted	September 12, 2001
Last Revised	May 31, 2023

7540.02 - **DIGITAL CONTENT AND ACCESSIBILITY**~~WEB ACCESSIBILITY, CONTENT, APPS, AND SERVICES~~

A. **Creating Digital Content**~~Creation of Content for Web Pages/Websites, Apps, and Services~~

The Board of Education authorizes staff members and students to create **content for the District's website and District-approved/affiliated apps and services**~~content, apps, and services~~ (see Bylaw 0100 Definitions) ("**digital content**")~~that are hosted by the Board on its servers or District-affiliated servers (i.e., servers the Board pays to use or otherwise sanctions the use of) and/or published on the Internet.~~

District-generated and school-related digital content~~The content, apps, and services~~ must comply with applicable State and Federal laws (e.g., copyright laws, Children's Internet Protection Act ("CIPA"), Section 504 of the Rehabilitation Act of 1973 ("Section 504"), Americans with Disabilities Act ("ADA"), Student Online Personal Protection Act ("SOPPA"), and Children's Online Privacy Protection Act ("COPPA")) and reflect the professional image/brand of the District, its employees, and students. **District-generated digital content**~~Content, apps, and services~~ must be consistent with the Board's Mission Statement and ~~is~~**staff-created web content, services, and apps** are subject to prior review and approval of the Superintendent before being published on the **District's website or District-approved/affiliated apps/services**~~Internet and/or used with students.~~

School-related student-created content for the Board's website or District-approved/affiliated apps/services are subject to ~~Student-created content, apps, and services are subject to~~ Policy 5722 - School-Sponsored Publications and Productions.

B. **Purpose of Digital Content**~~of District Web Pages/Sites, Apps, and Services~~

The purpose of **digital content, apps, and services** covered by this policy is to educate, inform, and communicate. The following criteria shall ~~be used to~~ guide the development of **District-generated digital content**~~such content, apps, and services:~~

1. **Educate**

Digital content~~Content~~ should be suitable for and usable by students and teachers to support the curriculum and the Board's Objectives as listed in the Board's Strategic Plan.

2. **Inform**

Digital content~~Content~~ may inform the community about the school, teachers, students, or departments, including information about curriculum, events, class projects, student activities, and departmental policies.

3. **Communicate**

Digital content~~Content~~ may communicate information about the plans, policies, and operations of the District to members of the public and other persons who may be interested in and/or affected by District matters.

The information **published on the Board's website and District-approved/affiliated apps/services**~~contained on the Board's website(s)~~ should reflect and support the Board's Mission Statement, Educational Philosophy, and School Improvement Process.

When the **digital** content includes a photograph or personally identifiable information relating to a student, the Board will abide by the provisions of Policy 8330 - Student Records.

Under no circumstances are **District-generated digital content** ~~District-created content, apps, and services~~ to be used for commercial purposes, advertising, political lobbying, or to provide financial gains for any individual. Included in this prohibition is the fact no **digital content published** ~~web content contained~~ on the District's website may:

1. include statements or other items that support or oppose a candidate for public office, the investigation, prosecution, or recall of a public official, or passage of a tax levy or bond issue;
2. link to a website of another organization if the other website includes such a message; or
3. communicate information that supports or opposes any labor organization or any action by, on behalf of, or against any labor organization.

Under no circumstances shall a staff member post on their personal web pages/websites or private digital accounts (i.e., non-District-approved/affiliated apps/services) ~~is staff member created content, apps, and services, including personal web pages/websites, to be used to post~~ student progress reports, grades, class assignments, or any other similar class-related material. Employees are required to use the **Board's website or District-approved/affiliated apps/services** ~~Board-specified website, app, or service~~ for the purpose of conveying information to students and/or parents.

Staff members are prohibited from requiring students to go to the staff member's personal web pages/websites and/or private digital accounts (i.e., non-District-approved/affiliated apps/services) (including, but not limited to, the staff member's personal accounts on Facebook, Instagram, Pinterest, ~~(including, but not limited to, their Facebook, Instagram, Pinterest pages,~~ YouTube Channel(s), or TikTok sites) to check grades, obtain class assignments and/or class-related materials, and/or to turn in assignments.

If a staff member creates **digital** content, ~~apps, and services,~~ related to their class, it must be hosted on the Board's website or a District-approved app/service ~~server or a District-affiliated server.~~

The Board's website, including school-specific websites, shall be generally open/available to the public unless specific digital content is unique to a specific child and/or includes student personally identifiable information, in which case the information must be password-protected or access to it must be otherwise restricted. When digital content involving student personally identifiable information or information concerning coursework, particularly a specific student's classes/assignments, is password-protected/access is otherwise restricted, the student's parent(s)/guardian(s) will continue to have access to that digital content. ~~Unless the content, apps, and services contain student personally identifiable information, Board websites, apps, and web services that are created by students and/or staff members that are posted on the Internet should not be password-protected or otherwise contain restricted access features, whereby only employees, student(s), or other limited groups of people can access the site. Community members, parents, employees, staff, students, and other website users will generally be given full access to the Board's website(s), apps, and services.~~

Digital content published on the Board's website ~~Web content, apps, and web services~~ should reflect an understanding that both internal and external audiences will be viewing the information.

~~The District's website(s) and web pages, apps, and services must be hosted on Board-owned or District-affiliated servers.~~

The Superintendent shall prepare administrative guidelines defining the rules and standards applicable to **staff and students who publish digital content on the Board's website and District-approved/affiliated apps/services** ~~the use of the Board's website and the creation of web content, apps, and web services by staff () and students~~ **[END OF OPTION].**

The Board retains all proprietary rights related to the design of and content for its website(s) **and any apps/services it operates and/or is affiliated with,** ~~apps, and web services,~~ absent written agreement to the contrary.

In order for a student's school work (i.e., work that is created in **or for a class/a class, at school,** or as part of a school-sponsored extracurricular activity) to be displayed on the Board's website, the student (who is eighteen (18) years of age or older) or the student's parent (if the student is seventeen (17) years of age or younger) must provide written permission and expressly license its display without cost to the Board.

Likewise, prior written permission from a student (who is eighteen (18) years of age or older) or the student's parent (if the student is seventeen (17) years of age or younger) is necessary for a student to be identified by name on the Board's website.

C. **Accessibility of Web Content and Mobile Apps**~~Website Accessibility~~

The District is committed to providing persons with disabilities an opportunity equal to that of persons without disabilities to participate in the District's programs, benefits, and services, including those delivered through electronic and information technology, except where doing so would impose an undue burden or create a fundamental alteration. The District is further committed to ensuring persons with disabilities are able to acquire the same information, engage in the same interactions, and enjoy the same benefits and services within the same timeframe as persons without a disability, with substantially equivalent ease of use; that they are not excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any District programs, services, and activities delivered online **through the web or a mobile app**, as required by Section 504 and Title II of the ADA and their implementing regulations; and that they receive effective communication of the District's programs, services, and activities delivered **in-person or** online.

This policy reflects the Board's commitment and intention to comply with the requirements of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794, 34 C.F.R. Part 104, Title II of the Americans With Disabilities Act of 1990, 42 U.S.C. Section 12131, and 28 C.F.R. Part 35 in all respects. **For purposes of this policy, "web content" means "information and sensory experience to be communicated to the user by means of a user agent, including code or markup that defines the content's structure, presentation, and interactions." Examples of web content include text, images, sounds, videos, controls, animations, and conventional electronic documents (e.g., content in the following electronic file formats: portable document formats ("PDF"), word processor file formats, presentation file formats, and spreadsheet file formats). Additionally, "mobile applications" ("mobile apps") means "software applications that are downloaded and designed to run on mobile devices, such as smartphones and tablets."**

1. **Technical Standards**

Web content and mobile apps that the District provides and/or makes available, directly or through contractual, licensing or other arrangements, shall comply with the World Wide Web Consortium's Web Content Accessibility Guidelines ("WCAG") 2.1, Level AA standards, unless the Board can demonstrate that such compliance would result in a fundamental alteration in the nature of its programs, services, or activities, or an undue financial and administrative burden.~~The District will adhere to the technical standards of compliance identified at _____ [insert link to District website]. The District measures the accessibility of online content and functionality according to the World Wide Web Consortium's (W3C's) Web Content Accessibility Guidelines (WCAG) 2.0 Level _____, and the Web Accessibility Initiative - Accessible Rich Internet Applications Suite (WAI ARIA 1.1) for web content. () _____ [insert another acceptable standard selected by the District - e.g., the Section 508 Information and Communication Technology Accessibility Standards published by the U.S. Access Board, which serves as the standards the Federal government uses for its own websites].~~

[DRAFTING NOTES:

(1) Districts with a population of 50,000 or more residents must fully comply with WCAG 2.1, Level AA standards by April 24, 2026; Districts with fewer than 50,000 residents must fully comply with WCAG 2.1, Level AA standards by April 26, 2027.

(2) While the Department of Justice's Final Rule allows public entities to employ alternative designs, methods, or techniques if they provide equivalent or greater accessibility and usability, Neola does not recommend that approach. If a board wants to consider an alternative technical standard, it should consult with its legal counsel. While OCR currently (as of December 2022) recommends WCAG 2.0 Level AA, WCAG 2.1 is gradually becoming the standard courts cite as the ADA accessibility standard that public entities should use for websites, mobile applications, and digital content compliance. Further, W3C published a working draft of WCAG 2.2 in August 2020 and a Candidate Recommendation draft of WCAG 2.2 in September 2022; a final version of WCAG 2.2 is expected to be released in early 2023. The W3C states that WCAG 2.0 and 2.1 remain its recommendation, but version 2.2 should be used to maximize future applicability of accessibility efforts. The W3C also encourages the use of the most current version of WCAG when developing or updating Web accessibility policies.] [END OF DRAFTING NOTES]

Notwithstanding the preceding, Federal regulations provide for the following content types to have limited exemption from the WCAG 2.1, Level AA requirements:

- a. Archived web content (provided all four (4) Federal criteria are met).
- b. Preexisting conventional electronic documents (with specific restrictions).
- c. Third party content that is not created pursuant to a contract between the Board and a third party.
- d. Password-protected documents pertaining to a specific student or account.
- e. Preexisting social media posts.

Even when the preceding exceptions apply, the District, however, will still provide effective communication and reasonable modifications in accordance with the ADA.

In addition, documents currently used for accessing District programs, services, programs, or activities do not qualify for the above exceptions, regardless of creation date.

When a person with a disability cannot access District-generated or affiliated web content or mobile apps that meet WCAG 2.1, Level AA standards, the District will: (1) provide alternate means of access to the same information and functionality; (2) make reasonable modifications to policies, practices, or procedures; (3) ensure effective communication through appropriate auxiliary aids and services; and (4) respond to accommodation requests within () [insert timeframe] business days a reasonable timeframe. Such accommodations may include: (a) alternative document formats (large print, Braille, audio); (b) telephone or in-person assistance for online services; and/or (c) email or mail delivery of information typically accessed online.

2. **DigitalWeb** Accessibility Coordinator

The Board designates its Director of Communications and Marketing as the District's Web Accessibility Coordinator(s). That individual(s) is/are responsible for coordinating and implementing this policy.

The District's ~~Web~~ Digital Accessibility Coordinator(s) can be reached at:

Director of Communications and Marketing
315 North Lapeer Street
Lake Orion, MI 48632
mark.snyder@lok12.org
248-693-5403

3. **Third Party Content**

Links included on the Board's website(s) and District-approved/affiliated mobile apps that pertain to its programs, activities, or web services and apps that pertain to its programs, benefits, and/or services must also meet the above criteria and comply with State and Federal law (e.g. copyright laws, CIPA, Section 504, ADA, SOPPA, and COPPA). The District's Digital Accessibility Coordinator(s) or designee(s) will vet online content available on the Board's website and through District-approved/affiliated mobile apps that are related to the District's programs, activities, and/or services for compliance with this criteria for all new content published on the District's website and mobile apps after adoption of this policy. While the District strives to provide access through its website to online content provided or developed by third parties (including vendors, video sharing websites, and other sources of online/digital content) that is in an accessible format, that is not always feasible. The District's administrators and staff, however, are aware of this requirement with respect to the selection of online content provided to students. The District's Web Accessibility Coordinator(s) or designee will vet online content available on its website(s), apps, and services that are related to the District's programs, benefits, and/or services for compliance with this criteria for all new content published on the District's website(s), apps, and services after adoption of this policy.

Content posted by third parties (e.g., members of the public) on District platforms is exempt from the WCAG 2.1, Level AA requirements. Those platforms, however, along with content posted by the District staff or contractors, must be fully compliant.

Additionally, nothing herein ~~Nothing in the preceding paragraph, however,~~ shall prevent the District from including links on its website(s) and apps/services to the Board's website(s), apps, and services to:

- a. recognized news/media outlets (e.g., local newspapers' websites, local television stations' websites);
- or

- b. websites, services, and/or apps that are developed and hosted by outside vendors or organizations that are not part of the District's program, benefits, or services.

The Board recognizes that such third party websites may contain advertisements that are not age-appropriate or consistent with the requirements of Policy 9700.01, AG 9700B, and State and Federal law.

4. Regular Audits

The District will, under the direction of the **DigitalWeb** Accessibility Coordinator(s) or designee(s), at regular intervals, audit the District's **digital content to ensure it meets the required technical standards** ~~online content and measure this content against the technical standards adopted above.~~

☐ [OPTION]

~~☐ This audit will occur ☐ quarterly ☐ semi-annually ☐ at least annually ☐, with quarterly monitoring of high-priority content and newly published materials ☐ annually ☐, with quarterly monitoring of high-priority content and newly published materials [END OF INTERNAL OPTIONS]no less than once every two (2) years. [END OF OPTION]~~

~~[SELECT OPTION 1 OR OPTION 2]If problems are identified through the audit, such problems will be documented, evaluated, and, if necessary, remediated within a reasonable period of time.~~

☐ [OPTION 1]

~~The audit must be documented ☐ and include compliance assessment reports, identified accessibility barriers, remediation plans with specific timelines, vendor compliance status, and user complaint tracking and resolution. [END OF INTERNAL OPTION]~~

~~[END OF OPTION 1]~~

☒ [OPTION 2]

If problems are identified through the audit, such problems will be documented, evaluated, and if necessary, remediated within a reasonable period.

[END OF OPTION 2]

[END OF OPTIONS]

5. Reporting Concerns or Possible Violations

If a person accessing the District's **web content and/or District-approved/affiliated mobile apps** ~~website(s), apps, or services~~ (e.g., a student, prospective student, employee, guest, or visitor) ("user") believes that **specific web content and/or a mobile app has violated the WCAG 2.1, Level AA standards, the user may contact the Digital** ~~the District has violated the technical standards identified above in its online content, the user may contact a/the Web~~ Accessibility Coordinator with any accessibility concerns. The user may also file a formal complaint utilizing the procedures set out in Board Policy 2260.01 relating to Section 504 and Title II.

D. Instructional Use of Apps/**Services and Web Services**

The Board authorizes the use of apps and web services to supplement and enhance learning opportunities for students either in the classroom or for extended learning outside the classroom.

A teacher who elects to supplement and enhance student learning through the use of apps/**services and/or web services** is responsible for verifying/certifying to the Assistant Superintendent of Teaching and Learning that the app/**service and/or web service** has a FERPA-compliant privacy policy, and it complies with all requirements of the **COPPA, CIPA, and Section 504/ADA, including the WCAG 2.1, Level AA accessibility standards** ~~Children's Online Privacy Protection Act (COPPA), Student Online Personal Protection Act (SOPPA), and the Children's Internet Protection Act (CIPA) ☐ and Section 504 and the ADA.~~

The Board further requires the use of a Board-issued e-mail address in the login process **for District-approved/affiliated apps/services.**

E. Training

The District will provide periodic training for its employees who 1) create web content, documents, or multimedia materials, 2) manage the Board's website and digital services, 3) select and contract with technology vendors, and 4) work on online communications are responsible for creating web content or distributing information online so that these employees are aware of this policy and understand their roles and responsibilities with respect to web design and creation and/or uploading of documents and multimedia content.

The training should cover:

[SELECT OPTION 1 OR OPTION 2]

☐ [OPTION 1]

1. WCAG 2.1, Level AA guidelines and success criteria,
2. accessible document creation (PDFs, Word, PowerPoint),
3. alternative text requirements for images and media,
4. video captioning and audio description requirements,
5. accessible form and navigation design,
6. color contrast and visual design standards,
7. vendor accessibility evaluation criteria, and
8. the District's responsibilities under Title II of the ADA, including its grievance procedures.

[END OF OPTION 1]

☒ [OPTION 2]

this Policy and responsibilities associated with the specified staff members' roles related to the implementation of this policy and ensuring the District's digital content is appropriate and accessible.

[END OF OPTION 2]

[END OF OPTIONS]

☒ Such training shall be facilitated by qualified individuals with demonstrated knowledge, skill, and experience concerning the accessibility standards and ADA compliance. [END OF OPTION]

☐ New employees in covered positions must complete accessibility training within _____ [insert timeframe] of hire. [END OF OPTION]

F. One-Way Communication Using the District Website and/or District-Approved/Affiliated Apps/Services

The Board approves the use of its website and District-approved/affiliated apps/services website(s)/web pages, apps, and services to promote school activities and inform stakeholders and the general public about District news and operations.

Such communications constitute public records that will be archived.

When the Board or Superintendent designates communications distributed via the District's website and/or District-approved/affiliated apps/services District web pages/websites, apps, and web services to be one-way communication, public comments are not solicited or desired, and the website or app/service is website(s), apps, or services are to be considered a nonpublic forum.

If the District uses an app/service and/or service that does not allow the District to block or deactivate public comments, the District's use of that app/service and/or service will be subject to Policy 7544 – Use of Social Media unless the District is able to automatically withhold all public comments.

If unsolicited public comments can be automatically withheld, the District will retain the comments in accordance with its adopted record retention schedule (see AG 8310A – Public Records, and AG 8310E – Record Retention and Disposal), but it will not review or consider those comments.

[DRAFTING NOTE: Districts are advised to adopt a new category of records that covers such “hidden public comments” on social media. Unless dictated by State law, retention periods established by the district for such unsolicited communications should be limited.]

28 C.F.R. Part 35, Subpart H (Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities – Effective 6/24/2024)

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28 C.F.R. Part 35, Subpart H (Nondiscrimination on the Basis of Disability;
Accessibility of Web Information and Services of State and Local Government Entities
- Effective 6/24/2024)

Book	Policy Manual
Section	Pending Board Approval
Title	ELECTRONIC DATA PROCESSING DISASTER RECOVERY PLAN
Code	po7541
Status	
Adopted	April 13, 2005

7541 — ELECTRONIC DATA PROCESSING DISASTER RECOVERY PLAN

The Board of Education is committed to maintaining and protecting the District's Information System. The Board believes that a complete and accurate Information System which includes educational, student, fiscal and personnel information is vital to the Board's ability to deliver uninterrupted educational service to the community it represents. To that end, the Superintendent is directed to develop, test and maintain an *Electronic Data Processing Disaster Recovery Plan* for use in the event a disaster should disable the District's electronic data processing equipment.

The Plan may include:

- A. a reciprocal agreement with a neighboring school district or data acquisition site, which outlines the scope of reciprocal services such as access to the computer facility of the alternative, computer time and personnel assistance, and costs;
- B. adequate equipment insurance;
- C. a list of the applications that are used by the District;
- D. procedures used to backup all programs and data on a daily, monthly, quarterly and year end basis;
- E. backup storage off site;
- F. maintenance agreements for hardware and software (including, but not limited to the operating system);
- G. a list of vendor contacts to be called for the immediate replacement of disabled equipment or corrupted software;
- H. as a last resort, the procedure to create payroll checks and budgetary checks, and perform other necessary accounting functions, manually.

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Book	Policy Manual
Section	Pending Board Approval
Title	CONTINUITY OF ORGANIZATIONAL OPERATIONS PLAN
Code	po8300
Status	

8300 - **CONTINUITY OF ORGANIZATIONAL OPERATIONS PLAN**

The Board of Education shall develop and implement a Continuity of Organizational Operations Plan ("COOP") to enable it to conduct, if necessary, essential functions and critical services and operations (e.g., teaching and learning, transportation, business services, communication, computer/network systems support, facilities, maintenance, and safety and security) under all hazards/conditions. The District's COOP shall be (X) consistent with ~~() a component of~~ **[END OF OPTIONS]** the District's School Safety Emergency Management Plan (see Policy 8400 - School Safety Information and Policy 8402 - Emergency Operations Plan). Having a plan to recover from any type of crisis/emergency/disaster, regardless of its severity or the consequences of the incident/event, strengthens the District's resilience so it can operate with minimal impact on its primary mission/responsibility to educate the students enrolled in the District, involves teaching and learning, personnel, facilities, technology, transportation, food service, and other functional resources. ~~The Continuity of Organizational Operations Plan (COOP) provides the District with the capability of conducting its essential operations under all threats and conditions, with or without warning. Having a plan to recover from any type of disaster regardless of the severity and consequences of the emergency is critical to the recovery of operations and minimizing the impact on the District's teaching and learning, personnel, facilities, technology, transportation, food service, and other functional resources.~~

Scope of the Continuity Plan

The primary objective of the COOP is to restore the District's critical operational ~~environment as quickly as possible after a crisis/emergency/disaster or threat event occurs.~~ **[]** The COOP shall include strategies aimed at resuming instruction and crucial business functions within ~~() [ENTER AMOUNT] () days () hours [END OF INTERNAL OPTIONS] [DRAFTING NOTE: Select a time period in which to restart district essential operations—e.g., two (2) school days, five (5) business days, forty-eight (48) hours.]~~ of the disruption, along with procedures to implement secure remote work and instruction in a crisis/emergency/disaster, identify alternative sites and technology redundancy, and provide incident response integration with the District's cybersecurity incident management protocols. **[END OF OPTIONAL SENTENCE]**

The District will use the following process to achieve essential function resilience (i.e., business and learning continuity):

- A. **identify essential functions;**
- B. **determine planning factors needed to accomplish the essential functions (e.g., staff and organization, equipment and systems, information and data, sites);**
- C. **conduct risk assessments for each planning factor; and**
- D. **identify and implement continuity options.**

~~Because the COOP contains sensitive information, by law, it functions and the learning environment as quickly as possible after a crisis or threat event occurs. A COOP contains critical and sensitive information that is confidential and exempt from public disclosure.~~

Planning for the continuity of operations of a school system in the aftermath of a disaster is a complex task. The current threat environment and recent emergencies, including acts of nature, accidents, technological emergencies, **cybersecurity incidents (including data breaches, ransomware, and denial of service attacks), and terrorist threats and attacks,** ~~cyberattacks, and terrorist attacks and threats,~~ have increased the need for viable continuity capabilities and plans that enable the District to resume and continue the essential functions in an all-hazards environment across a full spectrum of **crises/emergencies/disasters, emergencies.** Such conditions have increased the importance of having continuity plans in place that provide stability of essential functions across the various levels of public government and private enterprises.

The planning and development of continuity of an organizational operations plan, as well as the ongoing review, testing, and revision of such a plan, is important for the overall District ~~() as well as and also for each school () and department in the District~~ **[END OF OPTIONS]. [DRAFTING NOTE: While the preceding optional language is true, they do not need to be included if a district wants to simply state that its COOP is important to the district as a whole. The following sentence, however, is not optional and emphasizes the necessity for individual schools and departments to have individualized continuity of operation plans in place to address their unique needs and circumstances.]** Each school and operational department (e.g., transportation, information technology ("IT"), food service, and student services) shall maintain a site/department-specific COOP aligned with the District-wide COOP. The site/department-specific COOPs are subject to annual submission to, and review by, the Superintendent.

The District-wide plan describes how the District will respond as a total organization to a given emergency and describes the centralized resources and how they will be organized to implement the command and control necessary to function during the life cycle of the event. Individual school and department plans shall contain the details related to the continuity plan for those specific sites and functional areas to prepare for an incident/event, communicate throughout the duration of the incident/event, assess the impact of the incident/event on essential functions in the school/department, respond to the incident/event, and detail what will be done to recover from the incident/event. ~~contain the details related to the continuity plan for those specific sites and functional areas to prepare for an event, communicate throughout the duration of an event, assess the impact of an event on essential functions in the unit, respond to the event, and detail what will be done to recover from the event.~~

The COOP shall account for the needs of all students and staff, including individuals with disabilities, English learners, and students requiring health and/or behavioral supports in compliance with the Individuals with Disabilities Education Improvement Act ("IDEA"), Section 504 of the Rehabilitation Act of 1973 ("Section 504"), and the Americans with Disabilities Act ("ADA").

Preparation for, response to, and recovery from a disaster affecting administrative, educational, and support functions of the District's operations requires the cooperative efforts of external organizations, in partnership with the functional areas supporting the business of the District. This includes local government agencies, law enforcement, emergency management, medical services, and vendors necessary to District operations. The COOP outlines and coordinates all efforts by the District, in cooperation with other local and State agencies and businesses, to restore the essential functions of the District ~~post-~~ **incident/event.** ~~post-disaster.~~

The Superintendent shall provide that all relevant staff receive ~~() annual~~ **(X) periodic** **[END OF OPTIONS]** training on their roles in the COOP.

Key components of the COOP shall be communicated to employees, students, and families as appropriate.

The Superintendent shall develop and recommend the COOP for Board review and approval; however, the COOP shall be considered a confidential document not subject to release under State public records laws, and accordingly, no copies shall be provided for public review.

The Superintendent shall conduct an annual review of and update to, as necessary, the COOP. Additionally, the Superintendent shall conduct annual table-top exercises to assess the expected effectiveness of the COOP and after-action reviews post-incident/event. See Policy 8400 – School Safety Information and Policy 8402 - Emergency Operations Plan (which discusses the conduct of annual emergency management tests). ~~The Superintendent shall conduct () an annual () a periodic~~ **[END OF OPTION]** ~~review of the COOP.~~

FEMA's Continuity Guidance Circular (2024 Update)

Guide for Developing High-Quality School Emergency Operation Plans

The Role of Districts in Developing High-Quality School Emergency Operation Plans: A Companion to the School Guide

Readiness and Emergency Management for Schools (REMS): Technical Assistance Center

National Incident Management System (NIMS)

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National Incident Management System (NIMS)

Book	Policy Manual
Section	Pending Board Approval
Title	INFORMATION SECURITY
Code	po8305
Status	
Adopted	May 31, 2023
Last Revised	January 24, 2024

8305 - INFORMATION SECURITY

The District collects, classifies, and retains data/information from and about students, staff, vendors/contractors, and other individuals, about programs and initiatives undertaken by the school system, and about and related to the business of the District. This data/information may be in hard copy or digital format and may be stored in the District or off-site with a third party provider.

Data/Information collected by the District shall be classified as Confidential, Controlled, or Published. The Superintendent shall define "Confidential," "Controlled," and "Published" in administrative guidelines and provide examples of data/information in each classification. Data/Information will be considered Controlled until identified otherwise.

Protecting District Information Resources (as defined in Bylaw 0100) is of paramount importance. Information security requires everyone's active participation to keep the District's data/information secure. This includes Board of Education members, staff members/employees, students, parents, contractors/vendors, and visitors who use District Information & Technology Resources (as defined in Bylaw 0100). If an employee suspects, discovers, and/or determines that a security breach has occurred, the employee shall promptly notify the employee's immediate supervisor and the Superintendent. The employee should follow up their oral notification in writing. The Superintendent will determine and implement the steps necessary to correct the unauthorized access and, as applicable, provide notification to those individuals whose personal information may have been compromised.

Staff members, and individuals associated with the District through their affiliation with a District contractor/vendor, Individuals who are granted access to data/information collected and retained by the District must follow established procedures so that the data/information is protected and preserved. Board members, administrators, and all District staff members, as well as contractors, vendors, and their employees, granted access to data/information retained by the District are required to certify annually that they shall comply with the established information security protocols pertaining to District data/information. Further, all persons granted access by the District individuals granted access to Confidential Data/Information retained by the District must certify annually that they will comply with the information security protocols pertaining to Confidential Data/Information. For staff members, completing Completing the appropriate section of the Staff Technology Acceptable Use and Safety form (Form 7540.04 F1) shall provide this certification.

All Board members, staff members/employees, students, contractors/vendors, and visitors who have access to Board-owned or managed data/information must maintain the security of that data/information and the District Technology Resources on which it is stored. The Superintendent shall conduct an annual risk assessment related to the access and security of the District's Data/Information. Further, the District will maintain audit logs for access to Confidential Data/Information and regularly review such logs to detect unauthorized activity.

District information security procedures shall comply with applicable Federal and State law including, but not limited to, the Family Educational Rights and Privacy Act ("FERPA"), Protection of Pupil Rights Amendment ("PPRA"), and Children's Online Privacy Protection Act ("COPPA") regarding data breaches.

If an individual has any questions concerning whether this Policy and/or its related administrative guidelines apply to them or how they apply to them, the individual should contact the District's Technology Director or Information Technology Department/Office.

The Superintendent shall develop administrative guidelines that set forth the internal controls necessary to provide for the collection, classification, retention, access, and security of District Data/Information.

Further, the Superintendent is charged with developing a program and/or procedures that can be implemented in the event of a cybersecurity incident, whether it involves an inadvertent or intentional unauthorized release or breach of data/information. The program/procedures shall comply with the District's legal requirements as delineated below. In particular, in the event of a breach involving personally identifiable information, the District shall notify affected individuals and/or government officials in accordance with State and Federal law. ~~Further, the Superintendent is charged with developing procedures that can be implemented in the event of an unauthorized release or breach of data/information. These procedures shall comply with the District's legal requirements if such a breach of personally identifiable information occurs.~~

Cybersecurity incident" means any of the following:

- A. A substantial loss of confidentiality, integrity, or availability of a covered entity's information system or network;
- B. A serious impact on the safety and resiliency of a covered entity's operational systems and processes;
- C. A disruption of a covered entity's ability to engage in business or industrial operations, or deliver goods or services;
or
- D. Unauthorized access to an entity's information system or network, or nonpublic information contained therein, that is facilitated through or is caused by:
 - 1. a compromise of a cloud service provider, managed service provider, or other third party data hosting provider; or
 - 2. a supply chain compromise.

"Cybersecurity incident" does not include mere threats of disruption as extortion; events perpetrated in good faith in response to a request by the system owner or operator; or lawfully authorized activity of a United States, State, local, tribal, or territorial government entity.

"Ransomware incident" means a malicious cybersecurity incident in which a person or entity introduces software that gains unauthorized access to or encrypts, modifies, or otherwise renders unavailable a political subdivision's information technology systems or data and thereafter, the person or entity demands a ransom to prevent the publication of the data, restore access to the data, or otherwise remediate the impact of the software.

Cybersecurity Program

The District's cybersecurity program shall be designed to safeguard the District's data, information technology, and information technology resources to ensure availability, confidentiality, and integrity. The program shall be consistent with generally accepted best practices for cybersecurity, such as the National Institute of Standards and Technology's cybersecurity framework and the Center for Internet Security's cybersecurity best practices, and may include, but is not limited to, the following:

- A. Identify and address the critical functions and cybersecurity risks facing the District.
- B. Identify the potential impacts of a cybersecurity breach.
- C. Specify mechanisms to detect potential threats and cybersecurity events.
- D. Specify procedures for the District to establish communication channels, analyze incidents, and take actions to contain cybersecurity incidents.
- E. Establish procedures for the repair of infrastructure impacted by a cybersecurity incident and the maintenance of security after the incident.
- F. Establish cybersecurity training requirements for all Board employees; the frequency, duration, and detail of which shall correspond to the duties of each employee. **[DRAFTING NOTE: Annual cybersecurity training provided by the State, and training provided by _____ will satisfy this requirement.]**

~~[] It is the policy of the Board — if the District is experiencing a ransomware incident — not to pay or otherwise comply with a ransom demand unless the Board formally adopts a resolution to approve such a payment or compliance with the ransom demand. If that occurs, the resolution will specifically state why the payment or compliance with the ransom demand is in the District's best interest. [END OF OPTION]~~

[DRAFTING NOTE: The Board need not include this option in its policy, but action consistent with this statement is required by law.]

Following a cybersecurity incident or ransomware incident, the Superintendent shall notify:

- A. The Executive Director of the Division of Homeland Security within the Department of Public Safety, as soon as possible, but not later than seven (7) days after the District discovers the incident.
- B. The Auditor of State, as soon as possible, but not later than thirty (30) days after the District discovers the incident.

Any records, documents, or reports related to the District's cybersecurity program and framework, along with the reports of a cybersecurity incident or ransomware incident addressed in the preceding paragraph, are not public records. Similarly, a record identifying cybersecurity-related software, hardware, goods, and services that are being considered for procurement, have been procured, or are being used by the District, including the vendor name, product name, project name, or project description, is a security record.

All staff members (X) and contractors [END OF OPTION] with access to Controlled and/or Confidential Data/Information must complete ~~()~~ annual [END OF OPTION] training on data privacy, information security practices (e.g., internal controls applicable to the data/information that they collect and have access to and for which they are responsible for the security protocols), and breach response protocols. ~~The Superintendent shall require staff members to participate in training related to the internal controls applicable to the data/information that they collect and have access to and for which they are responsible for the security protocols.~~

Third party contractors/vendors who require access to Confidential Data/Information collected and retained by the District will be informed of relevant Board policies that govern access to and use of Information Resources, including the duty to safeguard the confidentiality of such data/information. Additionally, all contracts with third party contractors/vendors (e.g., technology providers) who access District Data/Information shall include provisions addressing data security, breach notification, data ownership, confidentiality, and destruction upon termination. Further, a contract between a technology provider and the District shall ensure appropriate security safeguards for education records and includes the following:

- A. a restriction on unauthorized access by the technology provider's employees or contractors;
- B. a requirement that the technology provider's employees or contractors may be authorized to access education records only as necessary to fulfill the official duties of the employee or contractor; and
- C. a stipulation that the District owns the data/information.

Failure to adhere to this Policy and its related administrative guidelines may put data/information collected and retained by the District at risk. Employees who violate this policy and/or its related administrative guidelines may be disciplined, up to and including termination of employment and/or referral to law enforcement. Students who violate this Policy and/or its related administrative guidelines will be disciplined, up to and including expulsion and/or referral to law enforcement. Contractors/Vendors who violate this Policy and/or its related administrative guidelines may face termination of their business relationships with and/or legal action by the District. Parents and visitors who violate this Policy and/or its related administrative guidelines may be denied access to the District's Information & Technology Resources.

At least annually, the Superintendent shall conduct ~~an () an annual () a periodic [END OF OPTION]~~ assessment of risk related to the access to and security of the data/information collected and retained by the District.

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Cross References po0100 - DEFINITIONS